51—3

Breckinridge

ALUMNI LIBRARY,
THEOLOGICAL SEMINARY,
PRINCETON, N. J.

Case, Division
Shelf, Section
Book, No.

SCC
2419

THE

TRYAL

OF THE

ROMAN CATHOLICS.

On a ſpecial Commiſſion directed to

Lord Chief Juſtice REASON,
Lord Chief Baron INTEREST, and
Mr. Juſtice CLEMENCY,

WEDNESDAY, *Auguſt* 5th, 1761.

Mr. CLODWORTHY COMMON-SENSE, Foreman of the Jury.

Mr. Serjeant STATUTE, Counſel for the Crown,

CONSTANTINE CANDOUR, Eſq. Counſel for the Accuſed.

Wherever Truth and Intereſt ſhall embrace,
Let Paſſion cool and Prejudice give Place.

The THIRD EDITION.

DUBLIN:

Printed by GEORGE FAULKNER, in Eſſex Street.

MDCCLXII.

TO

HIS EXCELLENCY

THE

EARL of HALIFAX,

Lord Lieutenant, General, *and* General Governor *of* IRELAND.

MY LORD,

ALL Benefits that require Eſtabliſhment or Promotion, and all Grievances that re-

quire Relaxation or Redreſs, in this Country, are naturally ſubmitted to the Man who hath approved himſelf rather the Patron than the Regent of *Ireland*. If Your EXCELLENCY had not taken a diſtinguiſhed Pleaſure in doing public Good, and remedying public Evil, You would not have been troubled with the following Treatiſe.

As *Ireland* cannot partake of the Royal Favour or Influence, ſave

ſave by Reflection; it is a very ſingular Happineſs when ſuch Favour is Conveyed to us, without Cloud or Diverſion, in all the Comfort of its Warmth and Fullneſs of its Luſtre.

May the Praiſes of Your Excellency continue to be recorded, not by the Adulation of Courtiers and venal Dedicators, but by the Beneficence of Your Own Acts, and the Acknowledgments

of an obliged and grateful People.

I am, my LORD,

Your EXCELLENCY's

Most humble, and

Most dutiful Servant,

The AUTHOR.

THE

TRYAL

OF THE

ROMAN CATHOLICS.

IT was on *Monday* the 3d of *Auguſt* laſt, when, croſſing a Walk in *St. James's Park*, I happened to meet Mr. *Fairfield*, my Countryman and old Acquaintance. After mutual Salutations, my dear Friend, ſays he, I rejoice to ſee you. You are come moſt ſeaſonably for the Service of our common Country, on a very intereſting Occaſion.

Why, ſaid I, is any new Evil intended toward *Ireland?* Is our Linen-Staple to be diſtreſſed,

treſſed, or is a Stop to be put to our Inland Navigations, or is a Union actually on the Carpet?

Nothing of This, he replied. You muſt know that I am Member of a Society of about Thirty proteſtant Gentlemen, partly *Engliſh* and partly *Iriſh*, who meet on *Wedneſday* in every Week, at the King's Arms Tavern. On the firſt Week in *January* we chuſe our Chairman, who retains a Conſular Authority through the Year. We aim at Inſtruction as well as Amuſement; and, almoſt on every Meeting, we debate ſome Queſtion of public Concern, that had been propoſed for the Purpoſe at a former Sitting. As the Diſcovery of Truth is our only Cauſe of Queſtion, and Matters of national Utility our ſole Subject of Debate, I am bold to ſay that the Public has already received ſome Benefit through this ſame Channel. That our Controverſies are, at Times, not unworthy the Attention of a firſt Miniſter; nor our Deciſions unbecoming a more auguſt Aſſembly.

About

About four Months ago we received ſome printed Papers, entitled, *the Farmer's Caſe of the Roman Catholics of Ireland.* And, on Peruſal, we found that They included a Matter of no ſmaller Concern than the bodily Safety and temporal Intereſt of every Proteſtant in that Kingdom. It is evident, however, that the Writer, before he ſat down to his Deſk, had determined the Queſtion in his own Boſom; and, though his Reaſonings, in fact, may be ſtrong and impartial, we cannot ſuppoſe them equally concluſive with Arguments fairly oppoſed by all that can be urged on the other Side.

In a Matter of ſuch Weight and unſpeakable Importance to a whole Nation; we reſolved that it was incumbent to make a thorough Inquiſition into the Merits of the Cauſe, on either Part. Three full Months were aſſigned for the particular Study thereof. Each Member adopted the Side on which he choſe to rank. Three Judges, with a Jury, and a Bar of reſpective Lawyers, were appointed. And next *Wedneſday* is fixed for the Day of impending Tryal.

But,

But, as ſeveral of our Members are now in the Country, we are in preſent Diſtreſs for One or two of the Jury, and you are arrived moſt opportunely to ſupply the Defect. I know you to to be verſed in the Laws of your Country, and warmly affected with all her Concerns; and you will be entertained with One of the moſt extraordinary Tryals that, perhaps, ever depended in any Court.

Mr. *Fairfield*, ſaid I, I will chearfully attend you, and think myſelf much honoured by your Invitation. I have repeatedly read the printed Papers you mention, and am further ſtudied in the Caſe in Queſtion. This ſame Farmer, who ſeems now to have undertaken the Cauſe of the Roman Catholics, was once reputed their moſt irreconcileable Enemy; and, on the Rebellion of 1746, he wrote ſeveral Papers againſt them, with a Spirit and Poignancy, that neither They nor their Poſterity are ever likely to pardon.

Our Counſel againſt Them, replied Mr. *Fairfield*, are furniſhed with thoſe very Papers and all other requiſite Inſtruments of Offence.

Offence. But, the Counſel, for the Catholics, are furniſhed, on the other Hand, with a late Treatiſe entitled *Hiſtorical Memoirs**, a Match, as it is thought, for this formidable Farmer and all Other their Opponents, put together.

As my Time of Engagement for the Evening is come, I muſt requeſt you to meet me, at the Temple-Exchange Coffee-Houſe, about Ten to-morrow Morning. I will there introduce you to ſeveral very ſenſible and worthy Members of our Society.

THE DAY of this important Tryal being arrived, I attended my Friend to the Place of Aſſembly. The Judges aſſumed the Bench. The Lawyers ranged themſelves on their reſpective Sides. The Jury was duly impanelled. And the Parties to be tried being arraigned by their Proxy; Mr. Serjeant *Statute*, then Counſel for the Crown, opened the Cauſe as followeth.

My

* We know not the Author. His Modeſty would not permit him to prefix his Name to a Work that any other Writer would be proud to acknowledge.

My LORDS the Judges, and you Gentlemen of the Jury! You are this Day to try a People, by their Proxy, whom every Man muſt of Neceſſity condemn who hath, in himſelf, any Share or Participation of Allegiance to his King, or Attachment to his Country, any Regard to Society, to the Sanction of Laws, or Obligation of Treaties, to Leagues between Nations, or Faith among Men. What Amity, indeed, what Alliance or Intercourſe can be had with a People whoſe Religion abſolves from the Obſervance of Engagements; who promiſe through Policy, and through Principal betray.

But, my Lords, I need not dwell upon bare Aſſertions, I haſten to Overt-Acts, that are pregnant with a thouſand Proofs of theſe Allegations, all known, recorded, and inconteſtable.

IN the Reign of our firſt *Charles*, the Roman Catholics of *Ireland* were in the Poſſeſſion of every Bleſſing that the Conſtitution of theſe Kingdoms could confer. They enjoyed the free Exerciſe of their Superſtition equal with

That

That of the Religion eſtabliſhed by Law. They were equally allowed to purchaſe and inherit; to ſit as Jurors on the Determination of Life and Property; to vote for Repreſentatives to Parliament; and even to ſit in Parliament themſelves.

" In this bleſſed Condition of Peace and " Security (ſays my Lord *Clarendon*) the *En-* " *gliſh* and *Iriſh*, the Proteſtants and Ro- " man Catholics lived, *&c.* during the whole " happy Reign of King *James*, and, from " his Death, every Degree of their Happi- " neſs was increaſed and improved under " the Government of his late Majeſty King " *Charles* I."

But now it was that, taking Advantage of this great Lenity and Indulgence of Government, as alſo of the unreſerved Affection and Confidence that their Proteſtant Brethren repoſed in them, the Papiſts of *Ireland* plotted and perpetrated the moſt execrable Scheme that ever brought Diſgrace upon Human-Nature. They had ſecretly planned the univerſal Maſſacre of all Proteſtants in

the

the Kingdom. The bloody Night was appointed. The Word was given throughout. And the dreadful Secret was preſerved by All to the Hour of Execution. So faithful are theſe *Iriſh* Catholics to Each other, tho' None elſe living may place any Truſt in Them.

The ſame noble Hiſtorian tells us that "On the 23d of *October*, 1641, a Rebellion "broke out in all Parts of *Ireland*, except "*Dublin*, where the Deſign of it was mi-"raculouſly diſcovered the Night before it "was to be executed. That a general In-"ſurrection of the *Iriſh* ſpread itſelf over the "whole Country, in ſuch an inhuman and "barbarous Manner, that there were forty "or fifty thouſand Proteſtants murdered "before they ſuſpected themſelves in any "Danger, or could provide for their De-"fence, by drawing together into Towns "or ſtrong Houſes.

We are further informed, by Sir *John Temple* and Others, that, during the two firſt Months of this Rebellion, more than one hundred

hundred and fifty thouſand Proteſtants were maſſacred in cold Blood.

I willingly ſpare the Court, as well as myſelf, the Horror of reciting the Manner and wanton Cruelty of thoſe deliberate Butcheries. Let it ſuffice to obſerve that, at the time of this Inſurrection, theſe People were equal Members of our free Conſtitution, that they were favoured of Government, careſſed by all Proteſtants, and could not have given us ſo deadly a Sting if we had not received them to our unarmed Boſoms. And that Proteſtants, therefore, may hope for Safety within the Neighbourhood of *Iriſh* Catholics juſt ſo long, and no longer than they want Power to hurt, while their Talons are well pared, and their Teeth all drawn.

I ſhall now proceed to give the Court a Syſtem of thoſe very humane and charitable Doctrines, on whoſe Principles ſuch deteſtable Practiſes are founded.

Foreman.

With the good Pleaſure of your Lordſhips, my Brothers and I wiſh to hear every Article argued and anſwered apart, that Nothing material may eſcape our Memory.

Lord Chief Juſtice.

Let it be as you deſire. Let us hear what the Counſel, on the other Side, have to ſay in Mitigation of this heavy Charge.

Counſellor Candour.

My Lords! My Anſwer ſhall be to Facts, and not to Fiction. And I ſhall ſpare the Court ſome Time and myſelf ſome Trouble, in Confidence that your Lordſhips and the Gentlemen of the Jury have not been byaſſed by a mere Parade of Words, in Confidence, I ſay, that you have not miſtaken Invective for Argument, nor the Dictates of Prejudice for Thoſe of right Reaſon.

The Charge that has been laid by Mr. Serjeant *Statute*, gives me principally to learn that he has never been in *Ireland*, and that he is equally a Stranger to the Manners and Diſpoſition of our modern *Iriſh* Catholics, as

to

to the Character and Repute of their gallant Fore-fathers.

By the Picture which he has drawn of this People, with a Pen dipt in Gall, and a Pencil in Ink, we ſhould think them of ſome different and adverſe Species, that favoured not of the Humanity of the Sons of *Adam*. But, when we compare Age with Age and Nation with Nation, we find, with little Diſparity, that Men compared to Men are, as Man to himſelf, a Compound of Vice and Virtue, a Balance of Propenſities to Good and Evil. Complexion and Climate may make ſome Alteration; Education, Religion, Cuſtom will have their Influence, more or leſs; but Nature is almoſt the ſame in All, It cannot wholly be overcome, It cannot wholly be converted to Benevolence or Malevolence, to Good or to Evil. And we have ſeen Chriſtians and Mahometans exchange Principles, as it were by mutual Conſent; Theſe inviting their Fellow-Creatures, tho' of an adverſe Religion, to ſhare the Bleſſings of Peace and Plenty under their Government; and Thoſe driving their Coun-

trymen and Fellow Chriſtians from the common Participation of Earth and Air But, if any particular Diſtinction is to be admitted between the Sects and Societies of Men and Men, Mr. Serjeant has been very unhappy in pointing this Diſtinction to the Diſadvantage of the *Iriſh*, a People noted, to a Proverb, for their Hoſpitality and Benevolence; and whoſe Anceſtors, from the Year of Chriſt 500 to 1002, are recorded in Hiſtory, for Arts, as for Arms, for a Nation of Heroes and an Iſland of Saints.

Love annihilates Faults, Hatred creates them. While we are leagued in Faction or Friendſhip with any People, their Merits are magnified and their Blemiſhes diſappear: But ſhould a Breach enſue, their Merits will ſtraight vaniſh, and every Fault will return and grow upon our Sight.

Indeed the Principles of every Sect and Faction are thought better of, than they deſerve, by Thoſe who claſs with them, and much worſe than they deſerve by Thoſe who oppoſe them. They are mutually miſtaken, miſ-

misrepresented, and vilified by All who are in a State of civil or religious Warfare with Them. We first feel a Propensity to believe Evil of our Adversaries, and, afterward, to hate and punish them, on that Presumption.

It is very unhappy for this depressed People that, of the several Hands who painted the Originals from which Mr. Serjeant has compounded his Portrait of Papists, Each was interested or inclined to shade and to blacken, without one charitable Teint, or lenient Touch of the Pencil. In Truth these Pencils were, All, in Protestant or, rather, Puritan Hands; and, who would dare to step forth in Vindication of Wretches whom Power, joined by Prejudice, had crushed and condemned? Wherefore, since the Historians of those Times can afford them but few Friends, let us try what we can gather from the Mouths of their Enemies that may, in any Degree, avail them for the Discovery of Truth.

Mr. Serjeant informs us, on the Authority of a noble Author, that, during the Reigns of our firſt *James* and our firſt *Charles*, the Roman Catholics of *Ireland* enjoyed every temporal and ſpiritual Privilege, equal with Proteſtants whoſe Religion was eſtabliſhed by Law. But, was Mr. Serjeant and his noble Author under any Neceſſity of forgetting or paſſing over what every Subject in *England* was obliged to take Note of, to wit, the Statute of the 2d of Queen *Elizabeth*? The Tax on *Iriſh* Roman Catholics, of 12*d.* per *Sunday*, for abſenting themſelves from the Proteſtant Service, was frequently exacted with Rigour in both thoſe Reigns. In the Year 1629 a ſtrict Proclamation iſſued againſt the Exerciſe of the Popiſh Rites and Ceremonies. In 1633 the Roman-Catholic Clergy of *Dublin* were ſuppreſſed, fifteen Chapels were ſeized on for the King's Uſe. The Fryars and Prieſts were ſo perſecuted that ſome of them hanged themſelves, (as Doctor *Borelace* jeſtingly phraſes it) in their own Defence. And Numbers of the *Iriſh*, from Time to Time, had been fined and impriſoned for refuſing the Oath

Oath of Supremacy, an Oath, of all Others, that no Papiſt can poſſibly take, conſiſtent with his Conſcience.

The Roman-Catholics, on theſe Occaſions, earneſtly petitioned to be tolerated in the Exerciſe of their Religion, and, on that Condition, propoſed, at their ſpecial Coſt, to maintain an Army of five thouſand Foot and five hundred Horſe for his Majeſty's Service, but this Offer was rejected. And thus theſe People, whom Mr. Serjeant has repreſented to be ſo happy in the full Enjoyment of all ſpiritual Privileges, were not only prohibited from exerciſing the Religion of their Conſcience, They were alſo compelled, under the Pains of Fine and Impriſonment, to conform to a Religion that was contrary to their Conſcience; a Grievance rarely impoſed by the ſevereſt Tyrants, and what no Government on Earth can have a Right to enjoin.

Let us now ſee how much better theſe People were ſituated, with reſpect to Temporals than Spirituals; for it would be extrordinary, indeed, if Mr. Serjeant ſhould

happen to be equally miſtaken in two ſuch capital Articles.

In the Beginning of the Reign of *James* I. the Roman-Catholic Natives of *Ireland* were ſeized of moſt of the Lands of that Kingdom, as their Forefathers had been, from Generation to Generation, during ſeveral Centuries.

This was a Circumſtance by no Means agreeable to Some of the Reformed who, envying and coveting the Richneſs of thoſe Poſſeſſions, wiſhed at once to extirpate every Papiſt from the Realm, and to take their Eſtates into Proteſtant Tutelage.

With this View, ſome greedy Politicians, who were near the Throne, prevailed upon his Majeſty to ſet up a civil Inquiſition in *Ireland*, for the Diſcovery of defective Titles, whereby it was decreed to ſeize all Lands, *&c.* in the Name of the Crown, whereof the Proprietors ſhould not be able to produce and to prove a legal Conveyance. This they were very ſenſible was generally impoſſible, forasmuch as, in Times of long Warfare

and

and National Diſtraction, the Offices of Record, with the Houſes of the chief Natives, had been pillaged or burnt, whereby almoſt all ancient Title-Deeds had been loſt or deſtroyed.

It is One of the firſt Laws of Nature and Reaſon, and the Cuſtom of almoſt all Nations upon Earth, reſpecting Property, that *Poſſeſſion makes a Right againſt all who cannot produce a worthier Claim.* Upon this Law, our Statutes of Limitation are now moſt equitably founded. For if, in a certain Number of Years, no Claimant appears againſt a Poſſeſſor, it is a Preſumption, amounting to Proof, that the Poſſeſſor, himſelf, has the worthieſt Claim. But, neither the Laws of Nature, Reaſon, or Cuſtom, nor Poſſeſſion for ſeveral Centuries, proved ſufficient, at thoſe Times, to preſerve to *Iriſh* Catholics the Inheritance of their Anceſtors that was cruelly rent from Them, by this iniquitous Court, as the Committee of the *Iriſh* Houſe of Commons complained, in 1634, " *to the utter Overthrow of many noble and deſerving Perſons*

Perſons that, for valuable Conſiderations of Service, or Money, or Both, honourably and fairly acquired thoſe Eſtates."

During the Reign of *James* I. this Buſineſs was vigorouſly and effectually proſecuted, under the Adminiſtration of his Deputy, Sir *Arthur Chicheſter*, who, accordingly, was rewarded with a Dividend amounting to the yearly Value of ten thouſand Pounds *Ster.* a Fortune next to Princely in thoſe Days.

During the Reign of *Charles* I. this ſame Inquiſition, after defective Titles, was proſecuted with equal Application by his Deputy Lord *Falkland*, who received, in one Sum, a Gratuity of ten thouſand Pounds *Sterling*. And, again, the Earl of *Strafford*, perceiving what a high Recompence his Predeceſſors had found, determined to exceed All in his Diligence on the Occaſion. He is not aſhamed to tell us that he propoſed to have his Inquiſition attended with a Body of *five hundred Horſe, as good Lookers on.* That he further reſolved to treat with Such as might give Furtherance in finding the Title for the King.

King. That he enquired out *fit Men* to ſerve upon the Juries. That he found great Advantage in granting the Judges a Portion. And, in the County of *Galway*, when a Jury refuſed to diſpoſſeſs the Natives and find the Title in the King, he fined the Sheriff that returned them a thouſand Pounds, and bound over the Jury to anſwer in the *Caſtle-Chamber* "*where*," ſays he, "*we conceive it is fit that* "*their pertinacious Carriage be followed with all* "*juſt Severity.*" And agreeable to ſaid Meaſures four whole Counties in *Conaught* were further found for the King, as alſo a great Extent of Territories in *Munſter*, and the County of *Clare*. *Temples Hiſt. p.* 13.

Such was *the bleſſed Condition* in which Mr. Serjeant and Lord *Clarendon* are pleaſed to tell us that the Roman-Catholics of *Ireland* lived during the ſaid two Reigns. Deprived of their Patrimony and Inheritance upon *Earth*, and prohibited from worſhipping *Heaven* according to their Conſcience, what Proſpect was left them for *Here* or *Hereafter?* A Worm, when bruiſed, will turn, but theſe

People,

People, notwithſtanding the Severity of their Sufferings, ſtill continued within the Pale of Peace and Allegiance.

At length, the Animoſities that ſubſiſted between the King and his Parliament began to flame abroad. A Rebellion broke out, in *Scotland*, that was countenanced and abetted by the Puritan Party, in *England*. The Puritan Party, in *Ireland*, had got the Reigns of Government into their Hands, and were ſpirited and ſtrengthened by the Counſel and Encouragement of their Friends in *England*. And both the Church and the State, as then eſtabliſhed by Law, began to be threatened, with final Diſſolution, by Thoſe who thought themſelves of Ability to give both the Goſpel and Law to the Land.

In ſuch Times, and at ſuch a Juncture, what had wretched *Iriſh* Catholics to hope from Rulers who then meditated, and ſoon after effected, the Downfall even of Monarchy and Epiſcopacy itſelf? Indeed theſe depreſſed People, then, looked for nothing leſs than utter Extirpation; nor were their Fears

Fears and Surmizes without an adequate Foundation.

Before they offered to ſwerve from their Obedience to Government, Sir *William Parſons*, One of the Lords Juſtices, at a public Entertainment, before many Witneſſes, did poſitively declare that within a Twelvemonth no Catholic ſhould be ſeen in *Ireland*.

It was alſo currently rumoured that the Rebels of *Scotland* propoſed to invade them with an Army of 10,000 Men, and put Man, Woman and Child to the Sword. And a Report at the ſame Time prevailed among Them, as Doctor *Maxwell*, afterwards Biſhop of *Kilmore*, depoſeth, that *the Parliament of England had a Plot to bring them all to Church, or cut off all the Papiſts in the King's Dominions.* Even the King himſelf, againſt whom they are ſaid to have rebelled, apologizes for them in his *Eck. Baſilic.* " where" (he ſays) " that Deſpair being added to their " former Diſcontents, and the Fear of utter " Extirpation to their wonted Oppreſſions, " it

" it was eaſy to provoke them to open Re-
" bellion, *&c.*"

Thus, it ſhould ſeem that theſe diſtreſſed People aroſe, not through any Defect of Allegiance to their King, of due Obedience to Government, or of Good-Will or Affection to their Proteſtant Brethren. They judged that ſuch an Inſurrection was indiſpenſably neceſſary to their *Self-Defence*, the *firſt great Law* of Nations as of Nature: And they judged, at the ſame Time, that they were effectually ſerving their King and the Conſtitution, as is evident from the Marquis of *Clanricarde*'s Letter to his Majeſty, 26th of *October*, 1642, wherein we find the following Paſſage.——

Serjeant Statute.

My Lords, I muſt beg Permiſſion, at this Time, to interrupt Mr. *Candour*.

Suppoſing we allowed that the Roman Catholics of *Ireland* were perſecuted and oppreſſed in the Manner he ſuggeſts: Suppoſing, I ſay, we granted that the Motives of their Inſurrection and Rebellion againſt Government

Government were founded on ſuch Facts as he has ſet forth. Can This, however, be, in any Meaſure, a Juſtification of the horrid Barbarities that enſued thereon, committed, almoſt wholly, on the Helpleſs and Inoffending, on Thoſe who had neither the Power, nor the Will to promote or contribute to the Leaſt of their Sufferings? Good Heaven, to what an Infernal Depth may Humanity be degraded! to what Exceſſes will bigotted Zeal and bloody Enthuſiaſm conduct their Votaries! What, fifty Thouſand ſlaughtered, perhaps in one Night, unſuſpecting, confiding in the Friendſhip of their Butchers? one hundred and fifty Thouſand maſſacred, within the ſpace of two Months; unprecedented Cruelty: dreadful Facts, long affirmed by unqueſtionable Teſtimonies, that no Eloquence can palliate, nor Sophiſtry evade. Theſe are ſhocking Imputations, They are weighty Truths, indeed. They have lain heavy on this People for a hundred and twenty Years, and are likely to lie upon them, from Generation to Generation, as long

long as any Diſtinction remains between Proteſtant and Papiſt.

Counſellor Candour.

My Lords the Judges, and Gentlemen of the Jury. I am not inſenſible of the many Diſadvantages that I happen to lie under in my Anſwer to this Part of Mr. Serjeant's Charge. He rightly obſerves that this heavy Imputation, whether juſt or unjuſt, has long lain and ſtill lyes on this unfortunate People. It is a Prejudice deeply rooted in the Minds of Proteſtants, a Matter ſo received and credited by all as not once to be controverted or examined by any: And, though we and they are equally the Sons of *Adam*, and that neither they nor their Fathers, nor the Fathers of their Fathers had any Act or Part in this bloody Buſineſs; yet, their being the more immediate Deſcendants of Men, who are ſaid to have treated Proteſtants with ſuch Inhumanity, leaves an Impreſſion of Jealouſy and Diſguſt on our Hearts that may not be ſuddenly and eaſily eraſed.

I have

I have already confeſſed that I know of very few Writers, of the Roman-Catholic Sect or Party, on this Subject. If any there were, yet, who would dare to print or publiſh a Syllable in Favour or Vindication of Papiſts, during the Regency of *Oliver Cromwell?* Or if ſuch Things were printed, they were ſuppreſſed by Authority, or have periſhed in a Corner for want of Sale.

Now though the Teſtimony of their Enemies, when againſt theſe People, may be juſtly ſuſpected; yet, ſhould thoſe Enemies advance any Thing that tends to their Juſtification, ſuch Teſtimony muſt claim a double Credit, as nothing leſs than the Rack, or the greater Force of Truth can be ſuppoſed to extort it.

For all that I have advanced or ſhall, hereafter, advance in this Argument, I have here in my Hands unqueſtioned Authorities, to which I beg leave to refer your Lordſhips and the Jury, on any Controverſion or Doubts that may ariſe.

The Writers of chief Note, who have treated of the ſaid Rebellion of 1641, are Lord *Clarendon*, Sir *John Temple*, and Doctor *Borlaſe*.

Lord *Clarendon* was an *Engliſhman*. He, probably, had never been in *Ireland*. His Attention was nearly confined to the Concerns of his native Country. He took ſome Things from Rumour, from People ſtruck with Panics, whoſe Fears and Antipathies magnified Mole-hills into Mountains. And ſome other Things he took on Truſt from the ſaid cotemporary Hiſtorians, without recollecting, and, poſſibly, without being appriſed that They were ſo deeply intereſted in blackening and ſuppreſſing the *Iriſh* Catholics, with whom they lived in continued Enmity, and by whoſe Ruin They proſpered. Lord *Clarendon* was, himſelf, deceived; but theſe Men intended to deceive others.

They tell us in the firſt Place, that, by Conſpiracy and ſpecial Appointment, on the 23d of *October*, 1641, a Rebellion broke out through *Ireland*, and that the Inſurrect-

on

on was univerſal, except in *Dublin.* Secondly, that forty or fifty thouſand Proteſtants were butchered before Notice or Time ſufficient for avoiding the Danger. And, Thirdly, that, within the two firſt Months of the Rebellion, more than one hundred and fifty thouſand Proteſtants were maſſacred in cold Blood.

Now, My Lords, if, either directly, or by neceſſary Implication, I can prove from the Mouths of Proteſtants, from the Mouths of Puritans themſelves, even of Thoſe in higheſt Station, and who, from ths Nature of their Place, muſt have known more of theſe Matters than all Others; if I can prove, I ſay, from ſuch unqueſtionable Teſtimonies, that each of the above three Articles is falſe; it muſt follow that ſuch Scandals were vented and propagated, on Purpoſe to perpetuate Diviſion and Rancour between the Inhabitants of that unhappy Country: And *Iriſh* Proteſtants will, thenceforth, learn to behold their Catholic Countrymen with Eyes of future Charity and brotherly Benevolence.

From the firſt *Engliſh* Invaſion in the Reign of *Henry* the ſecond to the Reign of Queen *Elizabeth*, the *Iriſh* had generally lived in a State of ſavage Anarchy. They had been deprived of their own Govornors, their Conſtitution and Laws, without having Others duely ſubſtituted in their Room. It is true that *England* ſent them Rulers from Time to Time; but thoſe Rulers were as Planets, that looked down upon the *Iriſh* with Aſpects of malignant Influence, nor once offered to receive Them within the Sphere of common Protection and Beneficence. No ſpiritual Diſtinction as yet ſubſiſted between them; the Contention was of Papiſts againſt Papiſts; but the Words *Engliſh* and *Iriſh* ſerved as *Terms of War* ſufficiently virulent, without the Whetſtone of Religion to ſharpen their Ferocity.

A certain *ancient Perſonage* once offered to make a Gift of this whole World, and all the Glories thereof, upon the Party's barely doing him a ſingle Act of Homage. In like Manner, Pope *Adrian* had made a preſent of all

all *Ireland* to *Henry* the ſecond, although the Popes of *Rome*, from the Birth of St. *Peter* to the Invaſion of the *Engliſh*, never had a Foot of Land nor a Grain of temporal Authority in that Kingdom. And laſtly, the Kings of *England*, on the ſame righteous Title, had divided the whole Iſland between a Few of their *Engliſh* Subjects, and left them to get it from the *Iriſh*, as well as They could. And thus it ſhould ſeem, that People are never inclined to be more bountiful, than when they make Donations of the Property of Others.

Hence it came to paſs that during a long Interval of upward of three hundred Years, from *Henry* II. to Queen *Elizabeth*, the *Iriſh* looked on the *Engliſh* as Invaders of their natural Rights and Properties; and the *Engliſh*, under Colour of the ſaid Gifts, looked on *Ireland* as lawful Prize, and on any Oppoſition, to their Will, as Rebellion. The *Engliſh*, as Lords paramount, treated the *Iriſh*, as Vaſſals, with an inſolent Severity; and the *Iriſh*, like a Horſe reluctant to the Rider, ſtill

laboured to discharge themselves from the Lash and the Rein. Hence, perpetual Fears and Jealousies, and Oppressions, on the one Part; and on the Other, Discontent and frequent Insurrection. When the *Irish* were Offenders, they had rarely other Trial save That of martial Law; and when they were offended, they had no Redress to look for, in any *English* Court, against the *English*.

In this State of frequent Warfare and continual Animosity, the *English* and the *Irish* had scarce any other Employment than reciprocally to guard themselves against Each other.

The Blessings of Peace, of Unity and Community, were altogether Aliens to this desolated Kingdom. Amidst loose Morals and savage Manners, mutual Rancours and Rapines, what Urbanity could be cultivated or Civility found? No Trade could circulate where no Intercourse of Safety or Amity was provided. All Arts were rooted out; the Practise and Methods of former Crafts and Manufactures were wholly forgotten; and even the Sound of the Hammer was scarce

heard

heard in the Land, ſave for forming or ſharpening the rude Inſtruments of Battle.

Could any Land be cultivated, could Agriculture take Place, where the Sower was doubtful of the Hand that ſhould reap? While the *Engliſh* and *Iriſh* mutually coveted and graſped at the Poſſeſſions of Each other, the Precarioufneſs of Property, on either Part, diſcouraged them from that Induſtry which was neceſſary for the Encreaſe of what was honeſtly their own. This naturally produced Indolence, and Indolence produced Want, and Want as naturally withheld them from the Propagation of their Species, which was further abridged and thinned by the Waſte of frequent Wars.

Queen *Elizabeth* wiſhed to put an End to theſe Evils. She wiſhed to unite both Parties as one People under one Monarch; ſo as All ſhould enjoy, in common, the Advantage of the Laws, under a free Conſtitution: But the Miniſters, appointed for ſuch beneficent Purpoſes, were very far from anſwering to the Worth of her Intentions, and ma-

ny lawleſs Practiſes and unwarrantable Severities continued to be exerciſed towards the *Iriſh*.

The Majority of the *Engliſh*, in that Kingdom, were now, alſo, of the reformed Religion. This ſerved to adminiſter new Matter of Diſtinction and freſh Cauſe of further Diſſention and Quarrel. The late Conformiſts imagined that they could not better prove the Truth of their own Religion, than by perſecuting their Brethren of a different Perſuaſion; and the Act of *Uniformity* and the Act of *Supremacy*, ſo ſevere to be impoſed, and ſo impoſſible to be complied with by Roman-Catholics, againſt their inward Dictates of Duty and Conſcience, began to be enforced with Rigour.

They now apprehended, with ſome Appearance of Reaſon, that they ſhould be compelled to forſake the Religion of their Foreſathers, to which they were more attached than to all temporal Poſſeſſions; and, indeed, Sincerity in Religion, whether well or

ill

ill founded, is the beſt Security we can have of the Integrity or Morality of Mankind.

This Fear of the Exciſion of their Eccleſiaſtical Syſtem, with the manp civil Oppreſſions that they continued to labour under, united to excite the native Roman-Catholics of *Ireland* to three ſeveral Rebellions during the Reign of Queen *Elizabeth*, the laſt of which was very formidable under *Tyrone*, and could not be ſuppreſſed without great Coſt and Difficulty. And this War again conduced to depopulate the Land, and ſtill further to exaſperate the *Engliſh* and *Iriſh*, the Proteſtants and Papiſts, againſt Each other.

What enſued, during the two ſucceeding Reigns, reſpecting the preſent Argument, is already recited. The Trumpet of War, for a Time, had ceaſed to blow. The native *Iriſh* began to warm themſelves in the Sunſhine of a lawful and juſt Government. They were now free to plead in thoſe very Courts where they could rarely obtain the Privilege of being impleaded. They got a Glimmering of the Advantages of a free Conſtitution,

by

by ſeveral particular Inſtances of the Guardianſhip of their Perſons and the Security of their Properties. And had not thoſe very Laws (to which this diſtreſſed People gladly fled for Protection) like *Penelope*, unravelled the Web they had woven, *Iriſh* Catholics would have ſat down, in Peace and Contentment, the moſt pleaſed and the moſt grateful of all Men upon Earth.

At the Begining of the Reign of *James* I. it was found that the many Diſcouragements to Propagation, with the Waſte of frequent and long Wars, had left but few Inhabitants in the Kingdom of *Ireland*. The Sword, it is true, was ſheathed for the preſent; but the Commotions in the Minds of *Engliſh* and *Iriſh*, of Proteſtants and Papiſts, like the Sea after a Storm, took long Time to ſubſide; and the Cuſtom of ſettled Peace, with the Aſſurance of domeſtic Quiet and Family-Enjoyments, are neceſſary to the Encouragement of matrimonial Eſtabliſhments.

Hence it happened that, at the Inſurrection of 1641, the Inhabitants of *Ireland* had not

not encreaſed, in the Proportion that might have been expected, during a Truce, as I may ſay, of forty Years.

About that Time, the largeſt Towns in the Kingdom were very thinly peopled; the Number reſident, even in the Metropolis, ſcarce amounted to twenty thouſand Inhabitants; and Sir *William Petty* and Others compute that the *Britiſh*, including both *Engliſh* and *Scotch*, were, in Proportion to *Iriſh* Catholics, as Two to Eleven, and did not exceed 225000 in the whole Realm. Now, one Third of the ſaid Number were all *Scotch*, or of *Scotch* Extraction, who had ſettled in the ſix eſcheated Counties of the Province of *Ulſter*, and had there eſtabliſhed ſo very formidable a Colony that the *Iriſh*, during theſe Troubles, did not dare to attempt them. Wherefore if, independant of the ſaid *Scotch* Colony, one hundred and fifty thouſand *Engliſh* Proteſtants, as is ſaid, had been maſſacred during the two firſt Months of this Inſurrection; not a ſingle *Engliſh* Proteſtant had been left in the Kingdom; and here a Period,

od, at once, had been put to the War, or at leaſt, to all Contention between Proteſtants and Papiſts in that Country. But, I ſhould previouſly have anſwered to the *firſt Article* of the Charge, that *on the 23d of October*, 1741, *this Inſurrection was univerſal except in Dublin.*

When the News of a Rebellion firſt reached the Metropolis, as the Panic of the People was great, their Apprehenſions had no Limit, and the Government imagined that the Conſpiracy and Inſurrection had been univerſal. They accordingly iſſued a Proclamation, without Diſtinction, againſt all *Iriſh* Papiſts as Traitors to the State; but, on better Information, they acknowledged and reformed the Error, of this firſt Proclamation, by a Second, wherein they declare and publiſh, that " by the Words *Iriſh* Pa-" piſts (mentioned without Diſtinction in the " former Proclamation) they intend only ſuch " of *the old mere Iriſh in the Province of Ul-" ſter*, as had plotted, contrived, and been " Actors in that Treaſon, and Others who " adhered to them."

In

In the Journal of the Houſe of Lords, in *England*, we find among other Paſſages of a Letter written to the Lord Chamberlain and dated the 14th of *November*, 1641, the following remarkable Words, " That the " Province [*Conaught*] wherein his Lordſhip " [*Clanricarde*] is, doth utterly diſlike the " Proceedings of the Rebels — and that the " whole Province of *Munſter* is yet quiet." In a Letter of the ſame Date to the Earl of *Briſtol*, the Earl of *Clanricarde* ſays, that " at " firſt he was on a ſudden ſurprized with the " moſt fatal News of a deſperate Rebellion " in the North, and a Rumour of a general " Combination and Conſpiracy throughout " the Kingdom. But, (he adds) we begin " to recover our Wits, ſcared away by the " firſt Reports, and to to diſcern that None " appears in this deteſtable Conſpiracy, or " enters into Action, but the Remains of the " ancient *Iriſh* Rebels in the North, and " ſome in the planted County of *Leitrim.*" And, in a Letter dated the 14th of the following *December*; from the Lords Juſtices, Sir *William Parſons* and Sir *John Borlaſe*, to the

the Lord Lieutenant of *Ireland*, then in *England*, They write " That the Fire, which " was first kindled in *Ulster* and lay a-while " smothered in other Parts, begins now to " break out generally."

Serjeant Statute.

With the good Leave of the Court I must observe; that it is no Way meterial to the present Argument whether this Insurrection was general on this or on that particular Day, or whether the Fire of Rebellion first broke out in this or that particuliar Province; provided the Murders and Massacres, charged, were committed and perpetrated within the Time specified, either in this Province or that Province, or in any Part of the Kingdom.

Counsellor Candour.

Your Pardon, my Lords. If a Witness comes into Court, and is found to prevaricate in the first Part of his Evidence. If other Witnesses, of unquestionable Credit, shall prove, that he begins his Deposition with Allegations clearly contrary to Truth and to Fact; what shall hinder us from inferring

ferring that such a Witness may, equally, have misled us in the subsequent Part of his Testimony?

But further — With your good Leave, my Lords, and Gentlemen of the Jury, I apprehend and do insist that it is extremely material, to the present Argument, to shew, as I have done, that this Insurrection was very far from being general, either on the first Day, or in the first Month, or in the two first Months succeeding to the 23d of *October*; Forasmuch as I shall hereafter prove, by a Croud of Testimonies, that such an Insurrection was, by no Means, the general Intention of this People. That they avoided its Commencement, That they detested its Consequences, That they were artfully and violently impelled thereto, with a View to the Forfeiture of their Lives and Fortunes. And, that they had no other Resource, no other Option, than patiently to endure the Sword and the Halter or *to stand for their Lives.*

It may however be necessary, before I enter on those Proofs so requisite for the Mitigation

gation and Removal of Prejudices long eſtabliſhed againſt this unhappy People; it may, I ſay, be previouſly neceſſary to clear them of the ſecond and third capital Imputation, ſo heavily charged upon them by Mr. Serjeant *Statute*; to wit, *that forty or fifty thouſand Proteſtants were murdered before they ſuſpected themſelves in Danger*; and that *one hundred and fifty thouſand were maſſacred in cold Blood during the two firſt Months of this Rebellion.*

Sir *William Petty* informs us that thirty ſeven thouſand *Engliſh* were maſſacred, during the firſt Year of this Rebellion. This, indeed, is ſomewhat leſs than one hundred and fifty thouſand, within the two firſt Months. But, neither ſhall we give Credit to this Gentleman. He was principal Secretary to *Ireton* the Regicide. He, himſelf, got five or ſix thouſand Pounds yearly Inheritance by the Forfeitures; and he righteouſly conceived that All were maſſacred, whoſe Blood was ſhed by the Rebels, though in Battle and equal Combat.

Let

Let us rather attend to the Teſtimony of the Lords Juſtices themſelves, who principally provoked and excited this Inſurrection, and who perſiſted in their Proviſions of conſtant Fuel for ſupporting and ſpreading the Flame they had raiſed.

The Lords Juſtices and Council of *Ireland*, by a Letter dated the 25th of the ſaid formidable *October*, acquaint the Lord Lieutenant, that the Rebels had poſſeſſed themſelves of the Caſtle, Wife, Children, and Servants of the Lord *Blaney* in the County of *Monaghan*. As alſo, of the Houſe of the Earl of *Eſſex* called *Carickmacroſs*. As alſo of the Houſe of Sir *Henry Spotwood* in the ſame County. That they had, further, plundered a Town and Plantation of the *Britiſh*, had burned diverſe Houſes, had burned diverſe other Villages, and robbed and ſpoiled many *Engliſh*, and none but Proteſtants, leaving the *Engliſh* Papiſts untouched as well as the *Iriſh*. That they had broken open the King's Store of Arms and Munition, at *Newry*, wherewith they had armed themſelves,

and had plundered the *Engliſh* there, and diſarmed the Garriſon.

Now, my Lords, in all this long Account of various and manifold Violences and Injuries, we have not a ſingle Syllable tending toward Murder, or even toward Maiming or any perſonal Hurt. No, not even tending towards any Inſult to the Men, or Indecency to the Women. And yet they cloſe their Intelligence with this remarkable Aſſurance, even the joint Aſſurance of the Government, " *That, This, though too much, is all that they yet hear is done by the Rebels.*

I take Leave to pauſe a little. —— I wait to know whether Mr. Serjeant has any particuliar Exception to the Teſtimony of the Lords Juſtices and Council of *Ireland*, or whether he thinks them deſerving of any Credit in this Caſe, — But, I ſee he is diſtreſſed. I will urge him no further on this Article.

It muſt be confeſſed, however, that Doctor *Borlaſe* and Sir *John Temple* preſume to know more, of theſe Matters, than the Lords Juſtices

Juſtices and all the Council of *Ireland*, put together.

Borlaſe informs us that " In his Time it " was confidently averred by the *Iriſh* that " not above Seventeen were killed at the " Beginning of this Inſurrection." This he calls a bold Aſſertion. But he does not attempt to diſprove it, which he certainly would have done, if warranted by Facts or any Colour of Truth.

Sir *John Temple* admits that " The *Iriſh* " at the very firſt, for ſome few Days after " their Breaking out, did not in moſt Places " murder many *Engliſh*; but the Courſe they " took was to ſeize upon all their Goods and " Cattle." He affirms, indeed, " that there " were ſome Murders committed on the firſt " Day of theſe Rebels riſing." But then he ſays not where, by whom, or on whom ſuch Murders were committed; and he adds that " Theſe he conceives were, for the moſt " Part, done out of private Spleen, or where " they had particular Inſtructions ſo to do; " but certainly, (proceeds he) That which

" theſe Rebels mainly intended at firſt, and " moſt buſily employed themſelves about, " was Driving away *Engliſhmen*'s Cattle, and " poſſeſſing themſelves of their Goods."

But, let us proceed to the laſt Day of thoſe two fearful Months, in which it is ſaid that more *Engliſh* Proteſtants were maſſacred than were actually, at that Time in the Kingdom of *Ireland*.

On the 23d of *December*, 1641, preciſely two Months from the Day of the Inſurrection, the Lords Juſtices iſſued a Commiſſion, in his Majeſty's Name, directed to ſeveral Magiſtrates and Gentlemen of the Province of *Ulſter* and elſewhere. And in this Commiſſion it is recited that " Whereas diverſe wick- " ed and diſloyal People have lately riſen in " Arms, in ſeveral Parts of this Kingdom, " and have robbed and ſpoiled Many of " our good Subjects, *Britiſh* and Proteſtants, " who have been ſeparated from their ſeveral " Habitations and ſcattered in moſt lamenta- " ble Manner; and foraſmuch as it is need- " ful to take due Examination concerning the

" ſame

" ſame: Know Ye, that We, repoſing ſpe-
" cial Truſt and Confidence in your Care,
" &c. have nominated and appointed You
" to be our Commiſſioners, &c. to call
" before You and examine upon Oath, &c.
" as well all ſuch Perſons as have been rob-
" ed and deſpoiled, as all the Witneſſes that
" can give Teſtimony, therein, what Rob-
" beries and Spoils have been committed on
" them ſince the 22d of *October* laſt, or ſhall
" hereafter be commited on them or any
" of them; what the Particulars were, or
" are, whereof they were or ſhall be ſo rob-
" ed or ſpoiled; to what Value; by whom;
" what their Names are, or where they now
" or laſt dwelt, that commited theſe Rob-
" beries; on what Day or Night the ſaid
" Robberies or Spoils, committed or to be
" committed, were done; what traiterous
" or diſloyal Words, Speeches, or Actions,
" were then, or at any other Time uttered
" or committed, by thoſe Robbers or any
" of them, and how often; and all other
" Circumſtances concerning the ſaid Parti-
" culars, and every of them: And You, our

" ſaid Commſſioners, are to reduce to Writ-
" ing all the Examinations, &c. and the
" ſame to return to our Juſtices and Council
" of this our Realm of *Ireland*, Witneſs, &c.

Never, ſure, was a more minute Enquiry enjoyned to be made, by Proteſtants, of Damages done to Proteſtants: It reaches even to the Treaſon of Words and Circumſtances. But, is there any Enquiry enjoyned here, concerning Murder, or are any ſuch Murders intimated, or ſuppoſed to have been commited before the Iſſuing of this Commiſſion? The Proteſtants, it is true, are here ſaid to have been robbed, and ſpoiled, and driven from their Habitations, and ſcattered abroad; but they are called together, again, with their Adherents and Witneſſes, to be examined, *viva Voce* as One would imagine, touching the Damages they had ſuffered; a pretty ſtrong Implication that they were not murdered. For, otherwiſe, it ſhould ſeem that a Commiſſion to enquire into the Murder, as well as the Spoil of one hundred and fifty thouſand, ought to have been directed

rected to such Magistrates, as *Æacus* and *Rhadamanthus*, who might have Authority to take the Depositions of the Deceased.

Serjeant Statute.

My Lords — there is no bearing the Insolence of such a supposed Triumph. We may shortly expect to be told, by this Gentleman, that there never was such a Thing as the Rebellion of *Forty-one*. He may possibly even except to the Depositions, legally taken, of the Multitude of bloody Butcheries committed by this People; Depositions that have stood the Test of all Time and Enquiry; entered on Record, transferred into History, and open to the Perusal, as well as impotent Cavil and Contraversion of all People these hundred Years and upward.

Counsellor Candour.

I do except to those very Depositions, Mr. *Serjeant*. They were taken by prejudiced People, and ought, therefore, to be suspected. Many of them are said to be the genuine Depositions of Persons who could neither write nor read, and who, consequently, were

ignorant of the Contents of the Papers to which they ſet their Mark. Many Others were taken warm from Perſons juſt arrived, in their Flight from the Enemy; their Pannic naturally heightened the Terrors of their Imagination; and each of them came like the Meſſengers to *Job*, and cried, *I only am left to tell the Tale*; in their Concern for their Kindred and Friends behind, they actually conceived, and were ready to depoſe, that All were put to the Sword without Exception; and, in fact, they ſwore, ſpecially, to the Murder of ſeveral Proteſtants who, ten, twenty, thirty, and forty Years, afterward, were living Witneſſes of the Falſhood of theſe Depoſitions.

I ſhould, laſtly, be glad to know what Degree of Credit a Gentleman, of Mr. Serjeant's ſlender Faith in other Matters, is likely to give to ſome of theſe ſame Teſtimonials that have, ſo veritably, ſtood the Teſt of all Time and Enquiry.

They tell us that a Man was wounded in ſeveral Places; that his Body was ript up, and

and his Bowels taken out; during all which he ſhed not one Drop of Blood.

Again they tell us of a young Perſon whoſe Fleſh was Proof againſt Steel, and, like the *Stygian Achilles*, could not be pierced.

And again they tell us that "Hundreds "of the Ghoſts of the Proteſtants, that "were drowned by the Rebels at *Portadown* "Bridge, were ſeen wandering about that "Place, and heared crying for Revenge." From which Depoſition we muſt infer, that theſe Ghoſts were as duely numbered as they were truely ſworn to; but that they were not Ghoſts of a very forgiving Temper, who thus carried their Deſire of Revenge beyond the Grave.——— Alas! Revenge enough, as I can ſhew, had been taken already.

Serjeant Statute.

My Lords, I requeſt to know from the Counſel for the Accuſed, whether he admits that any Maſſacres, or Murders, were at all committed by *Iriſh* Catholics, during the Courſe of this Rebellion? Or, if any Rebellion

bellion there were, whether it might not have been a very placid Kind of Buſineſs, and wholly innocent of Blood?

Counſellor Candour.

There were, indeed; there were, Mr. *Serjeant*, too many Murders and Maſſacres committed on both Sides. But, not by the People properly called *Proteſtants*; nor, properly ſpeaking, by the People called *Iriſh Catholics*. They were committed on the one Part, by a *fanatic and enthuſiaſtic Soldiery*; and on the other, by a *ſavage and exaſperated Rabble of Iriſh Banditti or Free-booters*. *Engliſh Proteſtants* and *Iriſh Papiſts* were, alike, Sufferers on the Occaſion. The Generality, of the *One* and the *Other*, had in no Degree either ſought or provoked the Quarrel, and yet they were mutually made the Victims thereof; and the Helpleſs and the Innocent, on either Part, were caſt to the Swords of the Guilty and the Offending. Indeed, in ſuch Times of Anarchy and utter Miſrule, it is impoſſible but that many Offences muſt come.

Suppoſe

Suppoſe that, for a Term of twelve Months from this preſent Day, all Government ſhould happen to ceaſe, or to be withdrawn from any One of the beſt civilized Commonwealths upon Earth; and that all the Members, of ſuch Community, ſhould be left, without Account, to the Licentiouſneſs or Propenſity of their own Inclinations. Here is no Rebellion, no Conſpiracy, no previous Appointment or Intention of Maſſacres; but, will That be a ſufficient Protection from Damage? is there not in all Climes, in all Countries, and Sects, enough of Wickedneſs and Violence, in the Natures of Some, to give juſt Cauſe of Diſtruſt and Alarm to Others? Strength and Power in this Caſe would, unqueſtionably, claim a Right to invade, where Weakneſs ſhould be expoſed without a Protector; and Wolves never yet were wanting to fall upon the Fold, where the Penn and the Fences of Law were laid level.

But, after all the Calamities of any ſuch Miſrule, would it not be extremely ſevere to calumniate and quarrel with the Innocent and

Inoffend-

Inoffending, merely becauſe They happened to be of the Country, or Kindred, or Profeſſion of the Aggreſſors? And, would it not be ſtill ſeverer that They, who ſuffered by ſuch Licentiouſneſs, ſhould yet be accuſed of that general Miſgovernment which, in all Reſpects, was their Misfortune, but their Fault, in no Inſtance?

And now, Mr. Serjeant, with the good Pleaſure of the Court, I am willing to decline all further Argument touching the Rebellion, as you call it, of 1641, that we may drop a Veil over the Faults of ſome Sectaries of thoſe Times, in tender Regard to the Sectaries of theſe Days, with whom we continue to live in all Peace, Love, and Charity.

Serjeant Statute.

Shoot your Bolt, good Sir, and let it fall where it may. You muſt not hope to come off ſo, with a Kind of imaginary Triumph, and your ſhort Campaign of two Months, ſo ſucceſsfully paſſed over.

I con-

I confeſs that I know not how to account for Lord *Clarendon*'s Error touching his forty or fifty thouſand, affirmed to be maſſacred on the firſt riſing of thoſe Rebels. This muſt have been an Interpolation of ſome very malicious Enemy of thoſe People. Or, rather of ſome artful Friend who, by the Aggravation of ſo egregious a Falſhood, was deſirous of covering the Truth of other Facts. Sir *John Temple*'s Error, of two Months, is much more eaſily reformed by ſuppoſing, as is moſt probable, that the Printer had ſubſtituted the Word *Months* for *Years*. Such a Conceſſion would, again, ſet all to Rights, and reſtore us to our principal Complaint againſt this People, *that one hundred and fifty thouſand Proteſtants were maſſacred, in cold Blood, during the two firſt Years of this Rebellion.*

That this was nearly the Caſe may be inferred from what Mr. *Candour*, himſelf, has already allowed; *that the old Iriſh have always looked upon the Engliſh as Invaders of their natural Rights and Properties*, And that, *like a vicious*

a vicious Horſe, they have ever proved reluctant to the Government and Guidance of their Rulers. Such Sentiments and Propenſities, as Mr. *Candour*, himſelf, hath alſo obſerved, occaſioned a perpetual Succeſſion of Inſurrections and Rebellions. And, at this tremendous and deplorable Period of 1641, when they perceived that *England* was embroiled with *Scotland*, and the King embroiled with his Parliament, They gladly ſeized the Opportunity of returing to their original Wildneſs and Anarchy, which they endeavoured to effect and, very nearly, accompliſhed, by the unprecedented Maſſacre and utter Extirpation of almoſt every *Engliſh* Proteſtant within the Kingdom.

Counſellor Candour.

I did affirm, or *allow* (ſince ſo you pleaſe to term it) Mr. Serjeant, that the *Iriſh*, during the Space of three hundred Years and upward, looked on the *Engliſh* as Invaders of their natural Rights and Properties, and that they laboured, during that Time, not like a *vicious* but a *reluctant* Horſe, to get rid of

of the Laſh and Rein of their tyrannous Riders. But, I added, Mr Serjeant, that, in the Reign of *James* and *Charles* I. when theſe People were received within the Protection of the Laws of an *Engliſh* Conſtitution, when they felt the genial Warmth of a juſt and free government; had not thoſe very Laws taken from them with one Hand an Equivalent to the Advantages which they gave with the other, had they not deprived this very People of their Inheritance on Earth, and prohibited them from worſhipping Heaven according to their Conſcience; *Iriſh* Catholics would have ſat down, in Peace and Contentment, the moſt ſatisfied and grateful of all Men Living.

I am not ſingle in my Sentiments on this Head. Sir *John Davis*, Attorney-General to *James* I. and one of the itinerant Judges in *Ireland*, bears the following juſt and honourable Teſtimony in their Favour.

" Heretofore the Neglect of the Law " made the *Engliſh* degenerate and become " *Iriſh*; and now, on the other Side, the Execution

" ecution of the Law doth make the *Iriſh* " grow civil, and become *Engliſh*." — Again he ſays " I dare affirm that for the Space " of five Years laſt paſt, there have not " been found ſo many Malefactors worthy of " Death, in all the ſix Circuits of this Realm " (which is now divided into thirty two " Shires at large) as in one Circuit of ſix " Shires, namely, the weſtern Circuit in " *England*; for the Truth is that, in Time " of Peace, the *Iriſh* are more fearful to " offend the Law than the *Engliſh*, or any " other Nation whatſoever." —— And again he ſays " In this Condition of Subjects they " will gladly continue, without Defection or " adhering to any other *Lord* or *King*, as " long as they may be *protected* and *juſtly* " *governed*, without *Oppreſſion* on the one " Side or *Impunity* on the Other. For there " is no Nation of People under the Sun that " doth love equal and indifferent Juſtice " better than the *Iriſh*, or will reſt better " ſatisfied with the Execution thereof, al- " though it be againſt themſelves; ſo as " they may have the Protection and Bene-

" fit

" fit of the Law, when upon juſt Cauſe they " do deſire it."

Agreeable to this meritorious and ameneable character, during the whole Courſe of the War, that enſued on the Inſurrection of *Forty-one* (the only Period of Hiſtory wherein their bittereſt Enemies have ever attempted to brand them with any Diſhonour) during that whole War, I ſay, eight Tenths, of *Iriſh* Catholics, never offered to ſtir in any Act of Hoſtility.

Great Numbers of theſe People, and eſpecially of their Gentry, were, at that Period, perſonally attached to the King, They were, univerſally attached to the Civil-Conſtitution, They generally deteſted the Thoughts of any Kind of Oppoſition to Government; and ſome thouſands of *Iriſh* Catholics, ſtood againſt *Iriſh* Catholics, on this Occaſion, and liſted themſelves under the Banners of his Majeſty and the Commonwealth, in order to reduce their Brethren to Peace and Allegiance.

I ſay not this, my Lords without Authority. Mr. Serjeant has quoted Lord *Clarendon*, againſt theſe People, permit me, in my Turn, to quote him in their Favour. " Many Perſons of Honour, (ſays his Lordſhip) " among the *Iriſh* Catholics had always given ſignal Proofs of their Duty and Affection to the King. Others of them were, " by the Paſſion and Rigour of Thoſe who " were then in Authority, and had Power " enough to deſtroy whom they had Inclination enough to ſuſpect or accuſe, driven " to put themſelves into the Protection of " Thoſe whoſe Ways and Courſes they totally diſapproved."

Hear the Word of a King, alſo, in behalf of this People, where he tells us that the Perſons then in Authority, " exaſperated " the *Iriſh* to the moſt deſperate Reſolutions " and Actions, by threatening all Extremities, not only to the known Heads and " chief Incendiaries, but even to the whole " Community of the Nation, reſolving to " deſtroy Root and Branch, Men, Women, " and

" and Children, without any Regard to the " uſual Pleas of Mercy, *&c.*

Hear, again, the Teſtimony of the Earl of *Clanricarde*, then General of an Army of *Iriſh* Catholics; not raiſed to promote the Purpoſes of Treaſon or Rebellion, but in Defence of *Engliſh* Proteſtants, the King, and the State.

In a Letter to the Lords Juſtices, dated *June* 27th, 1642, the General remonſtrates that " The Reſolution taken to proſecute " the War with that Severity in general, " *&c.* hath moved general Diſtraction, and " armed moſt Men with Deſperation." And again, in a Letter to his Majeſty dated *June* 28th of the ſame Year, he thus complains. " At this preſent, the Rigour of incenſed " Forces falls in a Manner equally not only " upon the capital Offenders, and others leſs " criminal, but even upon well deſerving " Servitors, Natives of this Kingdom, which, " in my poor Opinion and Obſervation, will " retard your Service and put all in Deſpe- " ration; and, for my own particular, it

" will not only disable me from Service,
" but draw a certain Ruin upon me, having
" not the Honour to have *English* Forces
" under my Command, but what I am to
" act being to be performed by Those that
" conceive themselves destined to distructi-
" on, let their Endeavours be never so loyal."

With the good Leave, and good Patience, of your Lordships and the Jury, I will give a brief and natural History of this Affair.

The civil and religious Severities that *Irish* Catholics laboured under, in the Suppression of their Religion and the Resumption of their Lands, had given a general Disgust to All, and had, more especially, exasperated Those who lost their Estates, many of whom, though Catholics, were of *English* Extraction.

The Parliament of *Ireland*, from time to time had remonstrated to the King on the Article of civil Grievances, and his Majesty had promised a gracious Redress; but this Redress was industriously evaded, from time

to

to time, at firſt by the Earl of *Strafford*, and afterward by the Lords Juſtices and Council of the Kingdom.

Mean while, the Chiefs of the Malecontents, and principal Sufferers, being adviſed of the Commotions in *Scotland*, and of the Fomenting of Jealouſies between the King and *Engliſh* Parliament, looked on this as a fit Seaſon, with the Aſſiſtance of foreign Forces, to recover their lapſed Eſtates, and to re-eſtabliſh the Religion of their Forefathers.

In this View, they warmly, though privately, ſolicited Aid from the ſeveral Catholic Powers of *Spain*, *France*, and *Italy*. But a Deſign of this Importance could not be ſo ſecretly conducted but that Intimations, thereof, were ſent to the King from abroad, which Intelligence he tranſmitted to his Governors of *Ireland*, who were further apprized of the ſame, by early Notices from ſeveral private Perſons within the Realm.

Theſe Governors conſequently, if ſo they had intended, might have cruſhed this growing Offspring of Rebellion in the Egg. Or they might better have removed the original Seeds of Diſcontent, by haſtening thoſe Graces which the King had engaged to grant. But, whether They were moſt inclined to quaſh, or to foſter, this Embryo of Rebellion, we come now to enquire.

The Commons of *Ireland* had employed a Committee of their own Houſe, as Agents to his Majeſty, for the obtaining of two Acts, to be paſſed in their preſent Parliament, which Acts, as Sir *John Temple* informs us, were *moſt impetuouſly deſired by the Natives. The One* (ſays he) *was the Act of Limitations, which unqueſtionably ſettled all Eſtates of Land in the Kingdom quietly enjoyed, without Claim or Interruption for the Space of ſixty Years immediately preceding. The other was for the Relinquiſhment of the Right and Title, which his Majeſty had to the four Counties in Conaught, legally found for him by ſeveral Inquiſitions taken in them, and ready to be diſpoſed of, upon a due Survey,*

Survey, to Britiſh Undertakers; as alſo to ſome Territories of good Extent in Munſter and the County of Clare, upon the ſame Title.

Agreeable to this impetuous Deſire of the Natives, theſe Agents had obtained the royal Aſſurance of the ſaid Acts, with further Graces. They were now on their Return to *Ireland.* The Lords ſpiritual and temporal, and Commons, in Parliament aſſembled, had ſupplicated his Majeſty that they might not be prorogued or diſſolved until ſuch Time as ſaid Bills were found, and other Grievances removed. And the King had written his expreſs Commands to the Lords Juſtices to ſuffer that Parliament to ſit until his Majeſty ſhould think fit to determine the ſame.

But now it was that theſe ſame Lords Juſtices, in direct Oppoſition to this impetuous Deſire of the Natives of *Ireland*, to the Supplication of both Houſes in Parliament aſſembled, and to the expreſs Command of the King himſelf, did arbitrarily adjourn the ſaid Parliament for three Months, and did, thereby, preclude the Intention of the

ſaid Acts and Graces which, unqueſtionably, would have quieted the Minds of the People and, conſequently, have prevented the enſuing Inſurrection. And hence it appears that the Lords Juſtices, and Council of *Ireland*, had already ſet the royal Authority at Nought, and had taken the Reins of Government into their own Hands.

Serjeant Statute.

My Lords, If my Notes do not deceive me, Sir *John Temple* aſſures us that the ſaid Lords Juſtices, *Parſons* and *Borlaſe*, *were content* to draw up the ſaid two Acts of Limitation and ſo forth, to be paſſed in the Parliament.

Counſellor Candour.

Sir *John Temple*, indeed, gives That as his Opinion; and he aſſigns a particuliar Reaſon for their being ſo *content*, to wit, " becauſe " they ſaw the King moſt abſolutely reſolved " to give the *Iriſh* Agents full Satisfaction." But, afterward, we ſee that they were not content, inaſmuch as they found Means to baffle this *abſolute Reſolution* of his Majeſty, to defeat

defeat the Supplication of both Houſes of Parliament, and to diſappoint the impetuous Deſires of the Nation in general.

Be pleaſed, my Lords, further to note, that when the ſaid *Iriſh* Agents, on their Arrival in *Dublin*, found the Parliament adjourned, " They preſently applied to the " Lords Juſtices and Council deſiring to " have all thoſe Acts and other Graces, " granted by his Majeſty, made known to " the People, by Proclamations to be ſent " down into ſeveral Parts of the Country." But This, alſo, the ſaid Juſtices and Council declined to comply with, till the Time of Inſurrection at lenght arrived; an Inſurrection which They had earneſtly deſired, which they had purpoſely provoked, and whereby They purpoſed to render themſelves Maſters of the Lives and Fortunes of all the Roman-Catholics in *Ireland*. But, my Lords, in the Proofs of ſuch weighty Allegations, I chuſe rather to depend on the beſt Authorities of the Times than, even on the beſt Preſumptions and Deductions of Reaſon, though amounting,

mounting, when united, to the cleareſt Demonſtration.

Lord *Clanricarde*, in his Letter from *Ireland*, to the Duke of *Richmond*, on the 23d of *January*, 1641, affirms that "All were diſcontented with thoſe that managed the Affairs of State, there, whom they charged with ſecret Practiſing, both there and in *England*, before the Commotions began, to raiſe Parties and Factions, to deſtroy their Religion, to divert and hinder the King's Graces intended towards them; and, by that Means, to put them into Deſparation, that they forfeit their Lives and Fortunes. And, as the Diſtempers began, that they had ſo diſpoſed of Affairs, as if the Deſign was laid to put the whole Nation into Rebellion.

Again, the Author of the Hiſtory of Independency, having told us, to the Purpoſe, that the Independants in the *Engliſh* Parliament had inſiſted, openly, to have the Papiſts of *Ireland* rooted out, and their Lnads ſold to Adventurers; and that this impelled the

the *Iriſh* to the following Inſurrection. He adds that This " was purpoſely done by the " Independants, *that both Papiſts and Proteſt-* " *ants might deſtroy Oneanother there.*"

This was not altogether a Plan of novel Policy. *Homer* gives us an Inſtance of the like *charitable Diſpoſition* in the Character of his Hero *Achilles*, where he prays to *Jupiter*, that *Greeks* and *Trojans* might mutually extirpate Each-other, and that he and his Myrmidons, alone, might remain to enjoy the Spoils reſulting from the Ruin of *Troy*.

Oh! would to all th'immortal Pow'rs above,
Apollo, *Pallas*, and almighty *Jove!*
That not one *Trojan* might be left alive,
And not a *Greek* of all the Race ſurvive,
Might We be left, we only, to enjoy
The Realm and Plunder of devoted *Troy*.

To theſe, a learned and reverend Author of the Church of *England* adds his Teſtimony. " That the Lords Juſtices, *Parſons* and " *Borlaſe*, did, by their Authority, com- " mand many Things, which did not only " exaſperate

" exaſperate but render the *Iriſh* deſperate,
" as will appear by ſeveral of their own Let-
" ters, and public Acts of State; and that,
" in the firſt Irruption of the Rebellion, they
" had a greater Eye to the Forfeitures of
" the Rebels Eſtates, than to uſe ſuch Means
" as might, by the Hopes of Pardon, induce
" the better Sort of the Nobility and Gen-
" try to hear Reaſon, and come in, and ſub-
" mit themſelves to his Majeſty's Mercy,
" though they had expreſs Directions from
" the King, and two Houſes of Parliament
" ſo to do."

Even Lord *Clarendon* is deciſive on this Head, and aſſures us that, "a more unpleaſing " and unpopular Inclination could not be diſ-" covered in any Man, than a Wiſh or Con-" ſent that a War, (from which ſo many " promiſed themſelves Revenge and For-" tunes) ſhould be any other Way ended, " than with the Blood and Confiſcation of " All, whom they could propoſe to be guilty " of the Defection."

In

In the *November*, immediately ſucceeding the firſt Inſurrection, in Part of *Ulſter*, the Parliament met, in order to paſs the Acts of Limitation, *&c.* to quiet the diſtracted Minds of the People; and to ſuppreſs theſe Beginings of a growing Rebellion while It was, yet, in its weak and infant State; and accordingly, Both Houſes, in a moſt loyal Addreſs, offered the Government their Lives and Fortunes, for theſe wholeſome Purpoſes. But ſays the Earl of *Caſtlehaven*, " this Way " of proceeding did not, it ſeems, ſquare " with the Lords Juſtices Deſigns, who " were often heard to ſay, that *the more were* " *in Rebellion, the more Lands ſhould be forfeit* " *to them*; and therefore, in the very Heat " of the Buſineſs, they reſolved upon a Pro- " rogation; which the Parliament under- " ſtanding, the Lord Viſcount *Coſtelloe* and *my-* " *ſelf* were ſent from the Lords Houſe, and " Others from the Commons, to the Lords " Juſtices, to deſire the Continuance of the " Parliament till the Rebels, then few in " Number, were reduced: But our Addreſs " was ſlighted, and the Parliament, the next

" Day

" Day, prorogued, to the great Surprize of " both Houſes, and the general Diſlike of " all honeſt and knowing Men."

This ſame Lord, ſpeaking of the ſame Lords Juſtices, informs us that " Although " his Majeſty, and both Houſes of the *Engliſh* Parliament, had recommended it to " them to beſtow his Majeſty's gracious " Pardon to all Such as ſhould, within a " convenient Time, return to their Obedi- " ence : Yet theſe Lords Juſtices did, by " their Proclamation, limit theſe his Majeſ- " ty's and the Parliament of *England*'s fa- " vourable and general Intentions to the In- " habitants of a few Counties only, *provided* " *always they were not Freeholders*, and allow- " ed them but ten Days Time to come in." But this is not the firſt Inſtance wherein Men have been held criminal, merely, *becauſe they had Eſtates and Fortunes to forfeit.*

My Lords — Gentlemen of the Jury — On duely weighing the Premiſſes; with the many induſtrious Contrivances, for fomenting the Diſcontents of *Iriſh* Catholics, and exaſperating

perating their Spirits againſt an *Engliſh* Government; in Times, I ſay, my Lords, of ſuch Diſtemper and Turbulence, it is not to be wondered, that the Droſs and the Dregs of this People boiled uppermoſt, and that the ſavage and flagitious aſſociated together and perpetrated many Things, deteſtable to their own People, and deteſtable even to the *Iriſh* Leaders and Soldiery who, then, were up in Arms, by open and fair War, as They apprehended, to recover the Eſtates, and re-eſtabliſh the Religion of their Fore-fathers.

Mr. Serjeant, indeed, on finding that his monthly Authorities failed him, has taken Leave to tranſpoſe his *Months* into *Years*, whereby he propoſes to be reſtored to his principal Charge, that one hundred and fifty thouſand Proteſtants were maſſacred within the two firſt Years, as he now ſays, of this Rebellion; to the utter Extirpation, as he further affirms, of almoſt every *Engliſh* Proteſtant within the Kingdom.

Now, my Lords, it would give me a ſingular Pleaſure to be able to alleviate, in ſome Meaſure,

Meaſure, the fearful Alarms and Apprehenſions of Mr. Serjeant, on this Occaſion; and to convince him that the Race of *Engliſh* Proteſtants in *Ireland*, were not wholly extirpated at that Period. That, at leaſt, a proportionable Number of *Iriſh* Papiſts, (ſuch as of eleven to two) can be proved to have periſhed during the Courſe of the War. That the Advantage, in Favour of *Engliſh* Proteſtants, hath been a growing Advantage from that Day. And that the Proportion of Two to Eleven, computed, by Sir *William Petty*, to have been a near Eſtimate of the Number of *Britiſh* Proteſtants in Compariſon of *Iriſh* Papiſts, on the Day of the Inſurrection, hath increaſed to a Proportion of Three to Eight or One and a Half to Four, which is computed at this Hour, to be the numerical Balance between Proteſtants and Papiſts, in that Kingdom.

Let us now ſee, my Lords, whether dureing ſo univerſal an Extirpation, as is ſaid, ſufficient Seed could be left for ſo extraordinary an Encreaſe; or whether Proteſtants have

have been, there, propagated, by the Sowing of Teeth, or by ſome other Kind of equivocal Generation.

The *English*, in many Places, upon the firſt Alarm and Inſurrection of the *Irish*, as Doctor *Borlaſe* informs us "poſſeſſed themſelves of ſome Forts, ſtrong Holds, and "Caſtles, which, though very ill provided, "they did for many Months, nay for ſome "Years defend." At the ſame Time, vaſt Crowds of *English* Proteſtants, who dwelt in the open Country of *Ulſter*, fled from thence to *Dublin*; "and Theſe (adds Dr. *Borlaſe*) "were ſo numerous and burthenſome, as, "though thouſands were ſhipped away ſoon "after they arrived, and Such as could ſerve "in the Army were daily enliſted; yet They "brought ſo great an Extremity and Want "of Proviſions to *Dublin*, as the Inhabitants "were reduced to great Exigency."

The ſame Author proceeds to tell us that Sir *William Cole*, with his Regiment, deſtroyed in the North, by Sword, Famine, *&c.* nine thouſand four hundred and ſeventeen of

the *Irish*, and reſcued from Bondage five thouſand four hundred and ſixty ſeven *Engliſh* and *Scotch* Proteſtants. Alſo that Sir *Frederick Hamilton* ſlew many of the *Irish*, and freed many Proteſtants.

Carte, in his Life of the Duke of *Ormonde*, informs us that the great Body of the *Engliſh* was ſettled in *Munſter* and *Leinſter*, where (ſays he) very few Murders were committed; and that ſeveral thouſand got ſafe from *Ulſter* to *Dublin*, beſides ſix thouſand Women, and Children whom Captain *Mervyn* ſaved in *Fermanagh*, and Others that got ſafe to *Derry*, *Coleraine* and *Carrickfergus*, which were all in the Hands of the *Scotch* and *Engliſh*.

Ware, *fol.* 181, tells us that the Citizens reſident in *Dublin* had been numbered, and were found to be, of Proteſtants 2565 Men, and 2986 Women. Of Papiſts 1202 Men, and 1204 Women. Wherefore, if we add to Theſe a proportionable Number of Children, we ſhall find that the Proteſtant Reſidenters, in the City of *Dublin*, conſiſted of about

bout fourteen thoſand who never were hurt, in Perſon or Property, by any *Iriſh* Papiſts.

If to theſe we add many Thouſands of Proteſtants who, ſecurely, reſided in various Parts of the Kingdom, where the *Engliſh* were prevalent. If, again, we add ſeveral Thouſands of Proteſtants who lived under the Protection of *Iriſh Catholics*, where They were Maſters. And if, laſtly, we add great Numbers of *Engliſh Proteſtants* who were ſaved or ſnatched from the ſavage and deſperate Rabble, by the Prieſts, by the Soldiers, and by the Chiefs of the Inſurrection, who either eſcorted them, at their own Peril, to Places of Safety; or hoſpitably entertained them, under Guardianſhip, and in the Circle of their own Eye and Authority. I ſay, my Lords, if we add all theſe Thouſands upon Thouſands, together; we ſhall find that we have pretty nearly, recovered our loſt Sheep.

The Earl of *Caſtlehaven*, in his Memoirs, affirms that "In Sir *John Temple*'s Muſter-"Rolls, of whom the ſubſequent Scribblers

" borrowed all their Catalogues, Hundreds " are mentioned as murdered that lived ma- " ny Years after." And he adds, " that " not the twentieth Part of the Cruelties, " ſaid to be committed on the *Engliſh*, were " actually committed."

Peter Walſh, in his Letter to the Biſhop of *Lincoln*, *p.* 225, proteſts that " after uſing " the greateſt Diligence, in the Year 1662, " to inform himſelf rightly on this Subject, " out of every particuliar County of *Ireland*, " he reduced the Number of *Proteſtants*, " murdered in cold Blood by the *Popiſh* Con- " ſpirators, even to that Lowneſs, that they " did not all amount to more than ſome " few Hundreds. This, (adds *Walſh*) I did " atteſt publickly, and in Print, to the Duke " of *Ormonde* himſelf." And he affirms, elſewhere that " theſe Murders were com- " mitted by a very Few of the rude Rabble."

The Duke of *Ormonde* was unqueſtionably a competent Judge of this Matter. He had been on the Spot, and engaged, as General, againſt the *Iriſh*, during the whole Courſe of

of this Rebellion; he could not, therefore, be impoſed upon. And, yet, I am apt to imagine that Mr. *Walsh* and ſome Others, who have reduced theſe Murders to four or five hundred, have rather ſoftened and palliated below the Truth. I will, therefore, allow Mr. Serjeant any feaſible Addition; and as I lately admitted him to ſubſtitute *Years* for *Months*, I will here admit him to ſubſtitute *Thouſands* for *Hundreds*; the very utmoſt that, in any reaſonable Reſentment, he can require and much more than he can prove by any credible Authorities.

Serjeant Statute.

I do not, my Lords, ſo much inſiſt on any particular Number of Murders, as on the Manner and unparalelled Cruelty with which they were committed, however diſguſtful the Tale may be, to the Court, and to myſelf, I muſt entreat your Attention, my Lords, and yours, Gentlemen, a few Minutes; wherein I truſt to prove that They, who could perpetrate ſuch Barbarities on any One *Engliſh* Proteſtant, muſt have wiſhed all *Engliſh* Proteſtants to have but one Throat, that

they might glut their thirſty Malice, with the Cutting of the Same. Wherein I, further, truſt to prove the Danger, impending over all *English Proteſtants*, from Men, born of the Blood, and educated in the Principles of thoſe Barbarians.

Counſellor Candour.

Beware of what you are about Mr. Serjeant, I requeſt you. If you quote but a ſingle Inſtance of this, your general Accuſation, I will keep no further Meaſures with You. I will quote, on your Part, and on the Part of ſuch Proteſtants as you moſt affect, five Inſtances for one, of Cruelty for Cruelty, and Murder for Murder.

But this is not my deſire. I wiſh not to inflame but to aſſuage latent Acrimony; not to rip but to heal Wounds; not to widen but to cloſe Breaches.

Lord *Clarendon*, and a Crowd of other Witneſſes atteſt, that the antimonarchical and antiepiſcopal Rulers, of *Ireland*, who, even then, wiſhed to riſe upon the Ruin of *English Proteſtants*;

Proteſtants, had no Meaſure of Mercy toward *Iriſh Papiſts*. That they forbid any Quarter to be given to them. That they took all Ways to incenſe a furious and bloody *Soldiery* againſt the *Iriſh Nation*. That they made no Diſcrimination between the armed and unarmed, the Criminal and the Guiltleſs; but equally fell upon the Innocent and Helpleſs; neither pitying nor ſparing Old Age or Infancy, Men, Women or Children; and that ſome were publickly executed, by Order of Government, againſt whom no Colour of any Crime could be alledged, ſave that of having prrſerved the Lives and Fortunes of *Engliſh* Proteſtants.

Mr. Serjeant, perhaps, hath not duely animadverted, that the Murders, committed on the Part of the Sectaries, were committed by a regular Soldiery, either by Order, or under the Countenance and Encouragement of the Parliamentarian Government, to whom the King had permitted the Power of proſecuting the War. But, that the Murders, committed on the Part of *Iriſh* Catholics,

were committed by angry Routs of ungovernable Deſperadoes; againſt the Cuſtom of their Army; againſt the Ordinances of their Clergy, and againſt the Orders of the Chiefs of the Inſurrection. That many of them were proſecuted, with Fire and Sword, by the Leaders of the *Iriſh* themſelves, as well on Account of their Barbarity, as on Account of the Diſhonour they had brought upon their Arms; and that all of them, without Exception, were publickly condemned and excommunicated by their Church.

I cannot but further obſerve that there is much of unchriſtian Aſperity, and Uncharitableneſs, in ſuppoſing our modern *Iriſh* either of the Blood, or Principles of, comparatively, a few Miſcreants who were the Dregs, Scum, and Purging, and Outcaſt of their People. Might not Mr. Serjeant, with better Reaſon as well as with better Charity have ſuppoſed our modern *Iriſh* the kindly Deſcendents of the Eight Tenths of thoſe *Iriſh*, who never lifted a Hand, in any Act of Hoſtility? Or, even, to thoſe generous Chiefs

Chiefs and Soldiers, who (as Lord *Clarendon* obſerves) " though engaged in the Carrying " on, and, poſſibly, in the Contriving of " the War and Inſurrection, were Enemies " to thoſe Actions of Blood, Rapine, and " Inhumanity, which diſhonour any War."

But, let us wholly turn our Eyes from Deeds of Horror, to Acts of Goodneſs and Benevolence and to the Doers thereof; to the *Alexander Hovendens*, to the *Owen O'Neils*, to the *Sauls*, *Everards*, *Redmond Englishes*, to the *Dallys*, *Higginſes*, *Farrillys*, and to other pious Eccleſiaſtics, and generous Commanders, *Who went about doing Good*, *reſcuing*, *freeing*, *defending*, *cloathing*, *feeding their Enemies*. Convoying many Proteſtants at the Hazard of their Lives, and to the wounding of their Perſons (through the midſt of the Barbarians of their own Septs) to Places of Strength and Safety, or to their Kindred or Acquaintance. Protecting Many, at their own Hearths; concealing Some in Chapels; ſaving others under Altars. Preſerving the *great Prelate* of thoſe Days (with his Houſhold and

and Hundreds who fled to him for Shelter) in Peace and in Safety; and in the free Exercise of the Protestant Rites and Religion. Revering him while he lived, bewailing him when he died; honouring his Funeral with a Procession of the attending Army; and crying out, at his Interment, *O sit Anima mea cum Bedello! O that my Soul were now with Bedell!*

May All, who are of the Blood and Principles of those Soldiers, Priests, and Papists, find no worse Enemies to themselves, at this Day, than their said *Irish* Ancestors were then to Protestants! and may these signal Instances, of the Humanity and Charity of their Fore-fathers, avail them for turning the Prejudices, of the present Times, into Sentiments of kind Neighbourhood and brotherly Love!

Serjeant Statute.

Mr. *Candour*, I thought it ill-natured to interrupt you, till you had finished, what you think, your pathetic Eulogium. But, Sir, I must inform you that, in this your last

Piece

Piece of Oratory, you have ſet out on wrong Principles, and have built your fine Structure on a Foundation that muſt fail you.

You, yourſelf, have confeſſed that all the Murders committed, on the Part of the Sectaries, (or rather Slaughters, Mr. *Candour*, for ſo you ought to have ſtiled them) were committed either by Order or under Countenance of Government. Very true, Mr. *Candour*, they were indeed; and for that very Reaſon they could not be Murders.

What greater Difference can there be between any two Things than between an Action that is agreeable to Government and Law, and an Action contrary thereto and Subverſive thereof? *Irish Papiſts* were, then, in the very Act of Rebellion againſt Government, againſt King, and againſt the Conſtitution of Church and State, as then eſtabliſhed by Law. All the Slaughters that They committed, whether in cold or hot Blood, in the Houſe or in the Field, were therefore Maſſacres and Murders. But the *English* acted by Order of their lawful Rulers;

They

They fought, and ſhed Blood with the Conſtitution on their Side; and, therefore, fought and ſhed Blood, with a ſafe and a good Conſcience. Inſomuch, Mr. *Candour*, that, to balance the numerous Murders, committed by *Irish Papiſts*, you cannot produce a ſingle Inſtance (by your own Confeſſion) of a Murder committed by any of the *English Proteſtants*, or *Sectaries*, or *Puritans*, as you are variouſly pleaſed to ſtile them, during the Courſe of that Rebellion.

Counſellor Candour.

Mr Serjeant, Mr. Serjeant! will you permit me to aſk you, or (if you do not chuſe to anſwer) to aſk any Man, breathing, how many Sorts of Laws, or how many Promulgers of Laws, he thinks it incumbent upon him to obſerve?

There are, as you intimate, Laws peculiar to every civil Conſtitution upon Earth; and there are Governors appointed to be the Editors, Interpreters, and Enforcers of thoſe Laws. But are the Laws, peculiar to any civil Conſtitution, the only Laws that the

ſeveral

ſeveral Conſtituents ought to obſerve? Or are the Dictates, of the Governors, Editors, Interpreters, or Enforces of thoſe Laws, the *only Dictates* that, in Duty, they ought to obey? You will not do yourſelf the Diſgrace to inſiſt on it, Mr. Serjeant. We have, my Lords, God be praiſed! Laws of infinitely greater Authority and Extent, wherewith to bound the Ambition, Avarice, or Malice of any particular Men, or of any particular Sects or Societies of bad Men.

There are the *Laws of Arms*; there are the *Laws of Nations*; there are alſo the expreſs *Laws of GOD*, to which Warfare, itſelf, is ſuppoſed to be amenable.

But, above All, My Lords, there is ONE LAW which GOD hath made to himſelf, to Angels, and to Men, and which He ceaſeth not to utter in the Centre of our Exiſtence. This eternal and immutable Law ordaineth that we bear GOOD WILL to All, without Exception, who do not ſhew, by evil Deeds, that they bear ILL WILL to others. Wherefore, whoever refuſeth to give Aid to helpleſs

leſs Infancy, or Defence to aſſailed Innocence, is a Rebel to GOD and Nature, and a Debtor to this Law. But, whoſoever ſhall make a contrary Law to himſelf; or, under Colour of any Order or Authority of GOD or *Man*, of *religious* or *civil* Government, ſhall take the Crutch from the Lame, or thruſt a Ponyard into the Breaſt of ſuch as cannot offend, is a Felon and a Murderer, and this LAW falls, with the Weight of the whole World, upon him.

Mr. Serjeant, however has given it, as his Opinion, that the *Engliſh* then fought with the Conſtitution on their Side, and therefore fought and ſhed Blood with a good Conſcience: But that the *Iriſh* took up Arms againſt the Conſtitution of the State and the Church as then eſtabliſhed by Law; and therefore concludes, as I ſuppoſe, that they acted againſt Conſcience.

Now, Mr. Serjeant is not to learn, that the civil Conſtitution of *England* and *Ireland*, as then eſtabliſhed by Law, had been a *Monarchy* during ſeveral Centuries; a *State* to which

which *Roman Catholics* are peculiarly attached. And it is ſomewhat extraordinary to hear Mr. Serjeant, of all Men, accuſe theſe People of Rebellion to ſuch a State; even He, who is the firſt to accuſe and Condemn them of *ſervile Practices* and *ſlaviſh Principles*, of *Non-Reſiſtance* and *paſſive Obedience* Thereto.

But again, Mr. Serjeant is not to learn that the Conſtitution of the Church, as then eſtabliſhed by Law, had been but of ſhort Duration, and had been framed and ſettled, by the joint Act of Queen, Lords, and Commons, during the Reign of *Elizabeth*. But, Mr. Serjeant may be yet to learn that an Act of Parliament, framed in *England*, does not affect *Ireland*; and, that the Conſtitution of the Church, as then eſtabliſhed in *England*, was never ſo eſtabliſhed by any Act, in *Ireland*, till the Revolution atchieved by our glorious Deliverer, *William* the Third. *Iriſh* Catholics, perhaps, conceived that the Conſtitution of CHURCH and STATE was ſtill on their Side; and might bear Arms, at leaſt, with as ſafe and good a Conſcience as thoſe who

who never laid them down, till they had effectually aboliſhed both the ONE and the OTHER, both STATE and CHURCH.

I ſhall not pretend to define how far the Inſurrection, of *Iriſh* Roman Catholics, ought in ſuch Times as thoſe to be entitled a Rebellion. The King himſelf, as I may ſay, had begun the Buſineſs. He firſt rebelled againſt the Rights and Liberties of his People. This gave a Colour and Pretence to many of his People to rebel, as Some call it, againſt their King. The Antimonarchical and Antiepiſcopal Gentry gladly raiſed a Foundation and Scaffolding, of theſe Matters, for rebelling againſt the Conſtitution of Church and State. The *Scotch*, accordingly, were hallooed, and actually roſe in Rebellion againſt the One and the Other. And, as far as the *Iriſh* Catholics may, with Propriety, be ſaid to have rebelled againſt Any; They did but follow the Lead and Example of their Neighbours.

From the Firſt of the Reformation, to the Revolution of Eighty-eight, the State of Religion

ligion was extremely unſettled; Papiſts, Proteſtants, and Puritans, like the Heroes in *Homer*'s Iliad, ſucceſſively prevailed; and Each, in their Turns, had their Day of Triumph.

After the Downfal of Popery under *Harry* VIII. and *Edward* VI. It was again reſtored and re-eſtabliſhed in the Reign of Queen *Mary*. In the Reign of Queen *Elizabeth*, the Proteſtant Religion again got the upper Hand; and heavy Laws were, then, enacted againſt the Puritans on the one Hand, and againſt the Papiſts on the other. In the latter End of the Reign of *Charles* I. and during the whole Regency of *Oliver Cromwel*, the Puritans got the Supremacy, all to Nothing, and dictated Law and Goſpel to *Great-Britain* and *Ireland*. Proteſtantiſm was, however, reſtored with the Reſtoration of Monarchy. But a Divorce was, again, nearly effected in the following Reign under the Influence of *James* II. the great Patron of Popery. Till the Conſtitution, of Church and State, ſo often broken and bruiſed, and

confounded, and wrought together, and again undone, fermented, and cleanſed, and refined, was newly modelled and eſtabliſhed, as I truſt for the laſt Time, under the happy Auſpices of *William the Third*, the benign Cementer and Benefactor of all Parties, and more the *Friend* than the *Conqueror* of thoſe with whom He had contended.

It were ridiculous to ſuppoſe that the Sectaries of the 17th Century, when they firſt ſet out on their Journey to the Land of Liberty, had any Notion of travelling as far as they afterward went. The King had encroached on the GREAT CHARTER, and had arbitrarily poſſeſſed himſelf of ſome of the Rights of his People; and Theſe his People had, unqueſtionably, a Right to reclaim. Many Members of the eſtabliſhed Church, true Lovers of Monarchy as well as Epiſcopacy, had joined the Sectaries, on this Occaſion, in the Aſſertion of common Liberty. This Diviſion had greatly weakened the ſaid Members of the eſtabliſhed Church, while ſome ſided with the King, and Others with

with the Conſtitution; and this Weakneſs gave the Sectaries an Advantage and Power to which their utmoſt Ambition had, till then, never aſpired.

This, it muſt be owned, was a very tempting Situation. They juſtly aſſerted, and reclaimed the Civil Rights that were inherent to the Conſtitution. But they found themſelves of Ability to go a Step further. They were not ſatisfied that *Liberty* ſhould be barely *reclaimed*, They further propoſed to enlarge It; and, under the ſpecious Covering of a free Common-Wealth, they introduced a more arbitrary Tyranny than Any that they had intended to aboliſh or avoid. Experience, in a ſhort Time, made Them ſenſible of this wrong Step. And They, themſelves, were ſome of the Firſt to propoſe and to promote the Reſtoration of Monarchy.

Quite ſick of ſuch Diſtempers, and quite tired with perpetual Conflicts; We have, at length, ſat down in Peace and Contentment together. The Experience of near a Centu-

ry hath now taught us that, while we repoſe, like the *Iſraelites*, Each *under his own Vine or his own Fig-Tree*, any Land becomes a *Canaan*, under ſuch a Conſtitution. If we look Eaſt or look Weſt; we find None like it; and, if we recur through the Hiſtories of all Nations and Ages, we ſhall find, in the freeſt Republic upon Earth, the bare Principles and Rudiments of our preſent Eſtabliſhment, of that perfect Security of Perſon and Property to which we have arrived.

If Puritans are precluded from ſome State-Privileges. If Papiſts are diſcouraged by ſome limiting Laws; yet, in all other Reſpects, They ſee and feel the Benefits of our common Conſtiution as clear, and as comfortable as the Light of yonder Sun. Their Titles are not now defeated by any packed Juries or griping Inquiſitions; They ſuffer not for worſhipping God according to their Conſcience, much leſs are they compelled to the Exerciſe of a Religion that is contrary thereto. They, now, plead and are impleaded with equal and impartial Equi-

ty.

ty. The Law embraces them with as kind a Guardianſhip as the beſt Proteſtant in the Land; and, had They the Power, They have not the Will to forego ſuch Advantages.

Mean while, it is ſufficient, for the Strengthening and full Security of our civil-Conſtitution, that all Sects, and all Sectaries, are of a Religion that diſcourages and rejoices in the temporal Proſperity of its Profeſſors. Let the *Civil Conſtitution*, therefore, but preſerve (or enlarge where needful) this temporal Proſperity of the Subjects of its Government; and, let their Religion be that of *Turk*, *Jew*, or *wild Indian*, They will, infallibly, unite in oppoſing any Suppreſſion or Interruption of *that Fountain*, from which their common Bleſſings ſo evidently flow.

But, God be praiſed! neither our *Sectaries*, nor our *Iriſh-Catholics*, are *Turks*, or *wild Indians*; They are pious, and have long been, All, peaceable Men. However they may differ from Us, in ſome Matters of Faith, or of Form; They unite with us in the humble, and ardent, Adoration of our common CRE-

ATOR and SAVIOUR. It is true that, in adhering to their eccleſiaſtical Errors, They decline ſome temporal Advantages, and further lay themſelves under ſome very irkſome Reſtraints. But is not this their Suffering, *for Conſcience Sake*, the ſureſt Teſtimony that they can give us of their inward Virtue and Integrity? And have we not, thereby, a better Hold on them, than all Laws and Inſtitutions upon Earth can give? Even the Obligation of Religion, their Regard to Futurity, and their attachment to CHRIST's Doctrine of LOVE and PEACE.

Let us then, ſay, with my Lord *Clarendon*, "Away with the *Antichriſtian* Spirit of de- "fending what hath been done amiſs, only "becauſe it hath been done; and of diſcre- "diting the *Catholic* Religion, as if it would "not ſuffer its Children to be dutiful and "loyal Subjects to *Proteſtant* Kings and "Princes: And let what was done in Viola- "tion of the Laws and Government (in this "Rebellion) be acknwledged, and excuſed to "the King, by the Diſtemper and Accidents

"of

" of the Times, and *the unjuſtifiable Proceed-*
" *ings* of thoſe who were, unhappily, intruſt-
" ed with the Adminiſtration of Juſtice and
" Polity."

Lord Chief Juſtice.

Mr. Serjeant, — do you chuſe to drop any further Charge againſt this People, or, are You deſirous of proceeding to new Matter?

Serjeant Statute.

I do not propoſe, my Lords, to drop any Matter, whereof I conceive I have, ſtill, ſufficient to compaſs and enforce the principal Scope of my Argument. And though the Hiſtorians of thoſe Days have been wonderfully erroneous, with reſpect to Time, Number, Incident, and ſuch other Externals; They may, however, have been right in the Main of the Moral that they aimed to inculcate; to wit, that Proteſtants cannot live with Papiſts in any Community or Neighbourhood, of Aſſurance or Safety; and that, by the Principles which they imbibe and ſuck in, as I may ſay, from their Mother-Church, they

become religiouſly dangerous to any Civil Conſtitution.

Now, my Lords, if I can prove, not from any particular Quotation, of this or that Author, whoſe Teſtimony might be queſtionable, who might have been deceived himſelf, or have intended to deceive Others; If I can prove, I ſay, my Lords, not from any ſingular or diſputable Authorities, but from the concurring Teſtimony of Nations and Ages, from the Perſuaſion of all People, from the Confeſſion of their own Sect, *that theſe Things are ſo*; I ſhall then, ſurely, be reſtored to the Subſtance, at leaſt, of my original Charge againſt *Iriſh Catholics*; and I ſhall ſhew, from the Wickedneſs of their *Principles*, that their *Practices* muſt have been conformable, and that they have been guilty of Barbarities tantamount, at leaſt, to thoſe that are laid at their Door.

Permit me, on this Occaſion, to mention a Popiſh Author who is in principal Repute with this People. His Name is *John Gother*, and

and his Book is entitled, A PAPIST MISREPRESENTED AND REPRESENTED.

Under the Term MISREPRESENTED, he acknowledges and ſpecifies the wicked and inhuman Principles that are imputed to *Roman Catholics*; and under the Term REPRESENTED, he endeavours to paint the Reverſe of this horrid Picture, and to vindicate his Fraternity, of the Popiſh Communion, from ſuch injurious Aſperſions, as he is pleaſed to call them.

But, can ye conceive, my Lords, in what Kind of a Balance he hath weighed this Buſineſs? Why, truely, in the one Scale he has placed the general Opinion, and in the Other he puts his own perſonal Authority, as a Counterpoiſe to That of the Reſt of Mankind.

I paſs over, for the preſent, all ſuch Errors and Abſurdities as are merely religious; and haſten to ſuch *Eccleſiaſtical Tenets* as muſt prove of fatal Tendency to any *Civil Government* with which they are connected.

In

In the firſt Place, theſe People make a Divinity, of every little Member, however ignorant and flagitious, of their infallible Prieſthood. If any Layman or Laymen, of this dreadful Communion, ſhall be guilty of Rapes, Treaſons, Murders, Adulteries, Sacrileges, and ſo forth; They have nothing to do but to ſtep to ſome petty Individual, of this very forgiving Prieſthood, and to acknowledge their Enormities, under the Confeſſional Seal of Secrecy; and, though the Leproſy of their Soul ſhould be as inveterate as That which infected the *Syrian Naaman*, the Charm of a ſingle Sentence, ſhall reclaim them to the State of inoffending Infancy; and, thus refreſhed and reſtored, they ſhall be enabled, like a Giant, to ſet out on a new and vigorous Courſe of Iniquity. Perhaps ſome little Matter of Penance may be enjoined, by way of Atonement, for theſe Enormities; ſuch as wearing Hair-Cloth next the Skin, or walking with Peaſe in the Shoes for ſome ſmall Time; but, if this Hair-Cloth is woven of the Down of Mice; or that the Peaſe are previouſly boiled to a harmleſs

harmleſs Conſiſtence; the Letter of the Law is obſerved, and All is as it ſhould be.

To Theſe, I may add the ſpiritual Traffic that is carried on by the Church of *Rome*, and the many gracious Indulgencies granted to her Votaries, if not altogether gratis, yet at a Pennyworth that is admirable, conſidering the infinite Privileges acquired thereby; even thoſe of Sinning without Guilt, and Offending without Puniſhment. Theſe Indulgencies alſo, like other Tenures, may be prolonged and extended on advancing the Price; They may be purchaſed for Life, or made deſcendible to a Man's Heirs; an unſpeakable Advantage conſidering what Profligates Children might turn out; or how ſhort a Man, himſelf, might be taken in his Iniquities, without Time for Repentance which, in other Chriſtian Communions, is deemed previouſly requiſite to a happy Immortality.

But when ſuch Indulgencies are granted by the ſpecial Grace and Seal of the Pontiff, himſelf; They then, are called Diſpenſations, and

and ſanctify the Sins that are propoſed to be committed. But, further again, ſhould ſuch Sins be intended to promote the Catholic Cauſe, or to prop the tottering Frame of their ancient Mother, the Church, by pious Breaches of Allegiance, by Rebellions againſt Government, by the Depopulating of Nations, or Overturning of States; Guilt then becomes a Virtue deſerving of Canonization; and the Repugnance ariſing thereto, from Fealty or Humanity, ſhall be accounted Guilt unpardonable.

Many and various, throughout Hiſtory, have been the Miſchiefs, the Miſeries, the inexpreſſible Calamities, that attended the *King-depoſing* and *King-killing Doctrine.* Need I mention our *Engliſh John*, need I mention our *Engliſh Elizabeth?* The Chriſtian World is full of Inſtances, of Princes excommunicated and plucked from their Thrones; and of People diſcharged from all Faith, Submiſſion to Government, or Regard to Civil Society; as though *Rome* were as ſolicitous to *reduce the World to Chaos*, as the DIVINITY originally was *to create and to form.*

I expect,

I expect, however, my Lords, to be told by this Orator on the Part of the Defendents, that *Rome* never yet attempted to excite or foment Seditions or Rebellions, or to absolve any Subjects from their Allegiance to their Sovereign. That These are the Inventions of a graceless Pack of heretical Historians, And that, if the World gives Credit to any such Stuff, the World is a Blockhead and knows nothing of the Matter.

Counsellor Candour.

My Lords. I am glad that Mr. Serjeant is grown so pleasant with Us. Is not this much better than Railing and Scurility? than giving Us Abuse in the Room of Evidence, and naughty Names, for Want of material Accusation? If we may guess at the Cause of his extraordinary good Temper, he thinks that, at present, he has somewhat to say for himself; and he is not half so angry with his Catholic Opponents, as when all his Sophistry was silenced and his Authorities, like Artillery, turned upon himself.

I think

I think it, my Lords, incumbent, at this Day, to make a Confeſſion of my own Errors, before this honourable Court. It is not long ſince I ſided with Mr. Serjeant, in this Matter. *I verily thought*, as Saint *Paul* ſaith, *that I ought to do many Things againſt this People.* I was carried down the Current of general Prejudice. I aſſured myſelf and perſuaded others, that the Inſurrection of Forty-one, was a univerſal Conſpiracy of all *Iriſh* Catholics, for the inſtant Extirpation of every Proteſtant throughout the Kingdom; and that they very nearly accompliſhed their execrable Plot by the ſpeedy Maſſacre, in cold Blood, of one hundred and fifty thouſand of their inoffending Countrymen.

Hence, my Lords, I concluded that Roman Catholics were actually wicked upon Principle, and that the Doctrines, which they had imbibed from their Mother-Church, could, alone, be productive of ſuch unnatural Practices.

Under theſe Preſumptions and Prejudices, while I continued in that Kingdom, I always looked

looked upon *Iriſh* Catholics with Apprehenſion and Diſguſt. I was in continual Expectation of their ſuddenly breaking out into ſome nightly Inſurrection and general Maſſacre. And I beheld the wonderful Calm of their Conduct and Behaviour, as the Forerunner and ſure Preſage of the more violent Tempeſt.

It is ſome Years ago, ſince opening *Rapin*'s Hiſtory of the Rebellion of *Iriſh* Catholics, under *James* II. the laſt Male of the *Stuart* Line, I began and proceeded with much Attention. I was ſenſible that This had not been a preconcerted Affair; and that the *Iriſh* took up Arms, as they apprehended, with the King and Conſtitution upon their Side. I, therefore, did not look for any ſudden, horrid, and univerſal Maſſacre. But, as the Government was, then, wholly in their own Hands; as the Army was theirs; as all the national Arms were within the Graſp of *Catholics*; as it was evidently in their Power at once to have cruſhed all Proteſtants of *Engliſh* Deſcent, within that Kingdom;

dom; and, thereby, to have prevented any future Oppoſition, on their Part, to *Iriſh* Catholics; I ſay, my Lords, that, in ſuch a Situation, I looked every Moment for ſome bloody Cataſtrophe; for military Executions; for partial Maſſacres, at leaſt; agreeable to their preſent Power, and to the former Principles and Practices imputed to them.

I looked in vain, my Lords. I ſtill read on, and on. I proceeded till *Ireland* was invaded by an *Engliſh* Army under *William* the Third, who was further joined by Thouſands of *Iriſh* Proteſtants then living in the open Country unhurt by their Popiſh Adverſaries, although in Power; And I conſidered, within myſelf, how this might be.

Can theſe gentle Catholics of *Eighty-eight*, thought I, be of the Blood of thoſe Butchers of *Forty-one?* Is it poſſible, that the Principles, of the One and the Other, ſhould be the ſame, when they differ ſo infinitely, in the Practice and Expreſſion thereof?

Again

Again I read how the *Engliſh* and *Iriſh*, on either Part, agreeable to the Laws of GOD and of Humanity (as far as the ſame are conſiſtent with the Law of Nations and of Arms) did long continue in open Defiance and Hoſtility againſt Each-other. I read of Battles, Sieges, Skirmiſhes, of mighty Deeds atchieved, of Fields won and loſt, with equal Glory: But I read of no Maſſacre, I read of no Murder, neither of any Thing that could charge or impeach *Iriſh* Catholics with an Act unbecoming humane and gallant Men; and I was tempted to pity the native Bravery of Thoſe who, at *Boyne* as well as at *Aughrim*, (abandoned by their King, and unanimated by Example) held the Battle in Suſpence, againſt the beſt Army and the beſt Leader then upon Earth.

I now began to heſitate, with reſpect to the Principles long charged, and now repeated by Mr. Serjeant, againſt this People; Principles ſo deteſtable in their Nature and Tendency, that They who, even in Secret, can juſtify to their own Hearts the

leaſt of ſuch Abominations, ought to be ſwept from Society, from the Community of Earth and Air, as Serpents horrid to Sight, and Peſts deadly to Nature.

Here [illegible] found that, though *Iriſh Catholics* looked upon *James* II. as their conſtitutional and rightful Prince; though they were ready to lay down their Lives and Fortunes in his Defence; though they looked upon King *William*, as an Alien to theſe Kingdoms, as an Invader of the Throne, and as an Heretic and ſpecial Enemy to their ſpiritual and temporal Intereſts; no Conſpiracy, no Treachery, no Act, of Baſeneſs or Cruelty, was, however, attempted againſt him or his Adherents. All was open and equal War, on the one Part and on the Other. And of this, their glorious Conqueror himſelf, with his chief Governors and chief Generals, made the moſt honourable and expreſs Acknowledgement, in the Capitulations of *Limerick*, whereby they are admitted, not only to Terms of Peace, but Terms of Amity, as alſo to the equal Protection of Law and Participation of Property, throughout the Kingdom.

Now,

Now, my Lords, how comes it to paſs that Mr. Serjeant did not fix on this neighbouring Æra of War, Rebellion, and Bloodſhed, as a Foundation whereon to ground his Charge againſt the Principles and Practiſes of *Iriſh* Catholics? He might, in this Caſe, have got living Witneſſes of Facts who, *viva-Voce*, would have atteſted the Truths of his Allegations, if any Truths were in the Caſe. He might have got Thouſands of Children who have liſtened, while their Parents aſſeverated, again and again, the minuteſt Particulars of thoſe Days. No, my Lords, This would not do, he was conſcious that theſe Teſtimonies were all againſt him. Matters, in the preſent Caſe, were ſomewhat too recent, and the Evidence of his Majeſty, of the Government, of the Generals, of the *Engliſh* Soldiery, and, indeed, of all *Iriſh* Proteſtants, were too ſtrong in the Favour of *Iriſh* Catholics, to admit of any oppoſite Charge from the Malice, or Invention, either of Orators or Hiſtorians.

With regard to the Catholic Defendants, Mr. Serjeant *Statute* gives us, at preſent, to underſtand, that ſince he found himſelf unable to prove their wicked *Principles* from the Wickedneſs of their *Practice*; he chuſes to take his Argument by the other End, and to prove their wicked *Practices* from the Wickedneſs of their *Principles*. His Saviour CHRIST tells him that the Nature and Virtue of a *Tree* is to be known from its *Fruit*; but Mr. Serjeant, for the preſent, is of a different Opinion, he affirms that the Nature and Virtue of the *Fruit* is to be known from the *Tree*; or rather, indeed, from the Judgment and Opinion of Thoſe, who wiſh It to be *hewn down and caſt into the Fire.*

Upon this Footing, my Lords, Mr Serjeant expects to be reſtored, as he ſays, to his original Charge; and to the Credit which he deſires the World ſhould give to the Barbarities imputed to our Catholic Defendants.

Reſtore him then, my Lords, reſtore him to all and to every Part, of former or of further Allegations againſt this People. I, indeed,

deed, for the Sake of Peace, of palliating and reconciling, for the Coaleſcing of all Parties into mutual and equal Amity, have purpoſely dropt many Matters which, though mainly conducing to the Cauſe of my Clients, might have tended, at the ſame Time, to provoke their Adverſaries. For the War that I wage, at preſent, in Behalf of *Iriſh* Catholics, is merely defenſive: I wiſh, [illegible]d to ſhield them from the Aſſaults of mi[illegible]deeming Enemies; but I wiſh not to return a ſingle Weapon to the Boſom of him who caſt it. Let not this, however, be a Precedent to Mr. Serjeant *Statute*; if any Lapſe of Memory has happened, on his Part; if he is deſirous of recommenſing his Charge, from the Beginning, on any better Plan, either reſpecting a new Manner, or additional Matter, let him do ſo in Heaven's Name; we take no Advantage, we are ready to lift the Target wherever he points the Spear.

I can't, myſelf, forbear recurring to one Article at leaſt, of Mr. Serjeant's original Charge againſt the Catholic Defendants;

where he ſays, he *truſts to prove the Danger, impending over all Engliſh Proteſtants, from Men, born of the Blood and educated in the Principles of thoſe Barbarians.*

Of what Barbarians, I pray ye, my Lords? Our preſent *Iriſh* Catholics are, univerſally, deſcended from their generous and humane Anceſtors of ſixteen hundred and eighty eight. True, but theſe are not the Anceſtors Mr. Serjeant would intend. He leaps you quite over theſe, as *Milton*'s Devil leapt into Paradice, at one Bound. He comes, with a backward Genealogy, to a few Miſcreants, the Droſs and Dregs that boiled uppermoſt in Times of Fermentation, and Who, to a Man, either periſhed by War, or took their Flight beyond Sea, or ſuffered for their Crimes, with their Abettors and Harbourers, under the *grand Court of Inquiſition*, that was appointed to purge the Nation of all ſuch Delinquents.

I am apt, my Lords, to imagine that, had Mr. Serjeant been drawing a Deed of Conveyance, or affirming a Title, by lineal Deſcent,

Deſcent, in Favour of ſome Client; he would not, thus, have forgotten the more immediate Generations. He would not have dug, ſo deep into Dirt, for an old ruſty Sword; if he thought he could have furniſhed himſelf from any Armoury, at Hand, wherewith to aſſail and wound the Defendants.

But, my Lords, let us ſuppoſe that, at the Inſurrection of *Forty-one*, all the Catholics in *Ireland* were Rebels, Robbers, and Murderers. Well—From that Period to Eighty-eight, we have a long Term of forty Years and upward; good Time for Repentance and Reformation. Accordingly we find that, if the Parents of Forty-one were Profligates, the Children of Eighty-eight were Penitents; they had turned away from the Principles and Practices of their Fore-fathers; they were reclaimed from former Barbariſm; They were refined from former Droſs; and this, their Gradation, from Guilt into Goodneſs, ought to have been an Aſſurance, to all their Proteſtant Brethren, of their future Progreſſion in their Aſcent to Virtue.

For myſelf, my Lords, I confeſs that the Prejudices, which I had imbibed againſt *Iriſh* Catholics, were ſo ſtrong, that, upon reading the Hiſtory of their Conduct during the War of Eighty-eight, I was deſirous of diſcovering any Motive, whatever, to their honourable Proceedings, on that Occaſion, rather than any Reformation or Deviation from the vicious Principles which I imputed to them.

I was ſtaggered, however. I recurred, further back into the Hiſtory of theſe People. I had been told, as Mr. Serjeant alſo obſerves, that our MOST GLORIOUS ELIZABETH had been ſolemnly, excommunicated by the Pope, and that her Subjects, univerſally, were diſcharged from their Allegiance; a double Command, in Effect, neither to ſuffer her to reign, nor to live upon the Earth. Here, again, my old Prejudices and Opinions were reſtored. I doubted not to find a Corroboration and Confirmation of the Truth of all the Maſſacres, alledged to have been perpetrated, during

during the Reign of *Charles* I. from ſimilar Enormities during the Reign of *Elizabeth*. But how was I diſappointed, how was I defeated of my Deſires, on this Head! when, on the ſtricteſt Enquiry, I could find no Maſſacre, no Murder, no Inſurrection, nor even Commotion, that could be referred to theſe *horrid Articles* of *Excommunication* and *Diſpenſation*, or to the Principles of Papiſts alledged to be conformable thereto.

Serjeant Statute.

Your Pardon, Mr. *Candour*, ſeveral Conſpiracies and Rebellions enſued thereon.

Counſellor Candour.

Subſequent thereto, there did, Mr. Serjeant: But no Conſpiracy or Rebellion, not a ſingle Murder, or Maim, in Conſequence thereof. When all were Pagans, or when all were Papiſts, in all Countries, and all Ages, when no Quarrel nor Contention ſubſiſted, with reſpect to Religion; there have not been wanting Conſpirators, or Aſſaſſins, Inſurrections, or Rebellions. Neither can it be ſaid that the Poignard, which ſtabbed a

Proteſtant

Proteſtant Henry or a *Popiſh Lewis*, was lifted by the Religion of the one *Sect* or of the *Other*.

The Truth is, that his Holineſs at that Time, began to feel his Powers failing apace. I would aſk Mr. Serjeant if he has read *Shakeſpear*'s Play of *Harry* IV? *Owen Glendower*, the heroic Magician of *Wales*, boaſting to *Harry Percy*, crys "*I can call Spirits from* "*the vaſty Deep.*" Why yes, ſays *Percy*, "*and* "*ſo can I, and ſo can any Man; but will they* "*come when you call 'em?*" Thus the Pope, at that Time could excommunicate Princes, and charge Subjects to break their Allegiance, he could call the Spirits of Inſurrection and Rebellion from the vaſty Deep; but, did they come when he called them? no indeed, Mr. Serjeant; He might have ſpared his Breath, for not a Leaf ſtirred; and all his Thunders, from that Day, have been accounted no more than a *Brutum Fulmen.*

I had ſcarce finiſhed this Part of our *Engliſh* Hiſtory, when the Rebellion of 1746 broke out in *Scotland*, and then it was that the

the *Farmer* wrote his famous Invective, againſt this People, and prophecied, as many Others did, at the ſame Time, that the Catholics of *Ireland* would, indubitably, lay hold on that Opportunity to diſcharge the Storm, ſo long brewing, on the Heads of their Proteſtant Brethren: But, here, we are obliged to turn over the *Farmer* himſelf, with his Contemporary Prognoſticators, to the Claſs of the falſe Prophets; for all continued as calm and ſerene, throughout that Kingdom, as when the *Halcyon* builds her Neſt on the ſmoothed Surface of the Ocean.

What could I now think? I ſaw that the whole Tenour of the Conduct of *Iriſh* Catholics during the Memory of Man; and all that Hiſtory had further recited, of the Manners, Actions, and Diſpoſitions of their Progenitors, was a joint Negation and Contradiction to whatever I had heard or read of the Maſſacre of *Forty-one*. All Accounts that preceded, and all Accounts that ſucceeded to that diſgraceful Period, concurred to give their Teſtimonies in Favour and in Honour of

of this People: This Maſſacre, alone, ſtood againſt all other Evidence; here was a deplorable Falling off, indeed; here lay the dark Blot that degraded and diſhonoured their whole Eſcutcheon.

To reconcile ſuch apparent Inconſiſtencies, and to clear my own Doubts, on this Head; I enquired, I ſearched, and made a Collection of all the Hiſtories, Memoirs, Extracts of Records, Pamphlets, and Papers, that related in any Meaſure, to the Wars of *Forty-one*. I compared each Author with others, I compared him, alſo, with himſelf.

I found that Lord *Clarendon*'s Spleen, if any Spleen he had to theſe People, did not ſurvive the firſt two or three Days of the Rebellion. And, though He does not, in form, retract his original Aſſertion, that they had murdered forty or fifty thouſand Proteſtants, before Warning or Time for Eſcape; yet his whole ſubſequent Account, of the Tyranny of their Rulers, of the Inveteracy of their Enemies, of their Sufferings, of their Patience, of their Inclinations to Peace, of the

the Loyalty of their Chiefs, and of the Charity of their Prieſthood, are more than a thouſand Retractions of one inadvertent, or interpolated, Sentence, which muſt have been wholly abſurd and falſe, if his own ſubſequent Hiſtory, if the Hiſtory of all Others on the ſame Subject, if the Confeſſion of the bittereſt Enemies of *Iriſh* Catholics, if the Teſtimonies, even of a puritannical Government, of the Lords Juſtices and Council of *Ireland*, deſerve any Credit.

Again, I perceived that Sir *John Temple* and Doctor *Borlaſe* had induſtriouſly ſharpened their Pens with a Deſire of wounding; and I found, alſo, upon Enquiry, that they were, by Policy, as well as by Inclination, the avowed and intereſted Enemies of the Catholics of *Ireland*. But, unhappily for the Credit which they might otherwiſe have obtained, they were frequently obliged to quote Matters of Record and Public Recognizance. In this Caſe they did not dare to deviate from the Letter; they were, reluctantly, compelled to inſert many Inconſiſtencies, in this Page

to

to refute what they had written in that, and thus, with one Hand they expunged what they had blackened with the Other.

Again, my Lords, when I had compared thoſe three Hiſtorians with all others who had treated of the ſame Subject: When I had rejected the Impoſſible; admitted the Probable; and ſet down, as indubitable, whatever their concurring Teſtimonies united to affirm. I found that the Catholics of *Ireland* had been, deſignedly, vilified, in order to prevent the Reſtoration of their Eſtates, on the Reſtoration of the Monarchy. That they had, at three ſeveral Times, moſt earneſtly though vainly, petitioned the Government that the Miſdeeds of thoſe Times might be ſtrictly enquired into, for the Acquittal of Innocence and the Puniſhment of the Guilty, on both Parts. And I further and finally found, that the ſaid wonderful Detail, of Murders and Maſſacres, was little other than a Bundlement of legendary Stuff, exaggerated by the Fears and Inventions of the Times. That a Picture drawn from a

few

few Reprobates, ſpued out both by their Civil and Eccleſiaſtical Communion, was ſet up as the Repreſentative of this whole People. And that Malice, as it were, had painted a cloven Foot, and had artfully written under, EX PEDE CATHOLICUM.

Serjeant Stirke.

My Lords, Mr. *Candour*, ſome Time ago, did me the Honour to intimate that *I might have ſomewhat to ſay for myſelf*, in the new Matter which I exhibited againſt theſe Catholics, reſpecting the inherent Wickedneſs of their Principles. And I have been waiting, with much Patience, this half Hour and upward, for an Opportunity to return Mr. *Candour* his Compliment. He appears, however, induſtriouſly to decline *having any Thing to ſay for himſelf* on this Head. He has reconnoitred the Subject genteelly enough, I confeſs; and has talked, with much Eloquence, about it, and about it. But, if he thinks himſelf equal to a Combat, in this Cauſe, why does he not come to cloſer Engagement? Perhaps he has forgotten, or

chuſes

chuſes not to recollect the Purport of my Charge. Permit me, my Lords, to refreſh his Memory in this Matter.

Counſellor Candour.

You will not find any Need, Sir, You will not find any Need. There is much of Gallantry, as alſo of Confidence, in your Challenge, Mr. Serjeant. But, how long that Confidence will uphold you is a Matter of ſome Doubt. For I truſt, Sir, for the Time to come, to ſave you the Trouble of ever repeating your ſaid Charge, either here or elſewhere.

It might, my Lords, be an Experiment curious enough to enquire how far Mr. Serjeant's Charge, ſuppoſing the ſame to be true, could affect the Morals and Conduct of Roman Catholics in general; how far, I ſay, thoſe Tenets, ſo damnable in themſelves, ſo everſive of Chriſtianity, and ſo ſhocking to human Nature, could influence this People, ſuppoſing them to be the Tenets of the Church of *Rome*.

I have

I have formerly taken Notice that Virtue, and Vice, are Qualities no Way peculiar to any Nation or Sect. That neither Precept, Education, nor Religion, itſelf; no Doctrines, nor Preachments, however zealouſly inculcated, have yet proved available for converting People, wholly, to *Benevolence* or *Malevolence*, to *Good* or to *Evil*.

We ſee Turks, who are unbleſſed by true Religion or Liberty; who are the Slaves of Slaves; without a Form of civil Government, temporally ſubjected to the Will of a Tyrant, and ſpiritually to the Worſhip of a ſenſual Impoſtor; We ſee, I ſay, however, that they live in Charity, and kindly Neighbourhood, with all other Sects and religious Denominations. Even the wild Indians, who never liſtened to the Toll of a Bell, nor ever were called into any Court of civil Judicature; Theſe want not their Attachments, their Friendſhips, their Family Feelings, nor the ſweet Compunctions and Emotions of the HUMAN HEART DIVINE.

The Truth is that People live, incomparably, more by Impulſe and Inclination, than by Reaſon and Precept. Reaſon and Precept are not, always, inſtant or at Hand; but Inclination is more than at Hand, it is within and, from the Citadel, rules the Outworks of Man at Pleaſure.

When the Apoſtle, ſpeaking of CHRIST, affirms that *there is no other* NAME *under Heaven, whereby a Man may be ſaved:* And again, When he affirms that Thoſe, *who have not received the Law, are a Law unto Themſelves*; He intends one and the ſame Thing; He intends that CHRIST, from the Fall of Man, is a PRINCIPLE of REDEMPTION in the Boſoms of all Living. That he is not an *outward* but an *inward Redeemer*, working out our Salvation *by the Change of our depraved Nature.* That in and from Him, and Him only, ariſe all the Sentiments and Senſibilities, that warm the Heart with Love, that expand it with Honour, that wring it with Compunction, or that heave it with the Story of diſtant Diſtreſs; and that He, alone, can

be

be qualified to be Judge, at the laſt Day, who, from the firſt Day to the Laſt, was internally, a Co-operator and Witneſs of all that ever paſſed within the Boſoms of Men.

Hence it is that, although the Chriſtian Countries have received the *two Tables*, of the Laws of CHRIST, his *external* as well as *internal Revelation*; (Each witneſſing to the Other, that the GOD of our *Goſpel* is the GOD of our *Nature)* the Nations, however, who are Strangers to his Name, yet acknowledge his Influence; they do not, indeed *hear*, but they *feel* the Precepts of that LIGHT *which lighteth every Man who cometh into the World.*

Many Infidel-Reaſoners and Infidel-Writers, wholly miſtaking this Matter, give large Encomiums to the native Morals, of *Indian* Nations and others, in Preference to Nations illuminated by the Goſpel; not knowing, at the ſame Time, that they actually compare and reproach CHRIST with HIMSELF. But Mr. Serjeant goes a Step further; he reproaches a Church of CHRIST with Tenets

which ANTICHRIST, alone, could adopt; an Enemy equally adverſe to Nature and Revelation.

Suppoſing, then, that *Rome* was this very *Antichriſt*, let us inquire how far her Influence prevailed, in perverting the Morals and native Goodneſs of her Members.

There were, my Lords, *three capital Periods*, during which, the Court, and the Church, and the Conſtituents of the Church of *Rome*, were, if ever, under very extraordinary Temptations to put the ſaid abominable Tenets into Execution, to wit, during the *Reign of Elizabeth*, during the *Wars of Forty-one*, and during the *Wars of Eighty-eight*.

The temporal Powers of *Rome* had been greatly broken in upon, Her eccleſiaſtical Juriſdiction had been, alſo, much abridged, and, at thoſe Periods, was threatened with utter Extirpation in theſe Kingdoms. Ambition, therefore, the Luſt of Rule, and of temporal Wealth and Proſperity, urged her to violent Meaſures for the Reparation of thoſe Damages

Damages which ſhe conceived to have been injurious; and her Religion, itſelf, might ſeem to plead to Her, for the Exertion of her ſecular Forces in its Defence.

It is evident then, my Lords, that, if *Rome* ever offered Diſpenſations and Indulgencies for Crimes to come, If ever ſhe preached up Conſpiracies, Inſurrections, Rebellions, Murders, Maſſacres, the Extirpation of Schiſms, and the Exciſion of Heretics, as Matters meritorious with CHRIST and with GOD; ſhe would have dictated and preached them up, at thoſe three ſeveral Periods, ſhe would have inculcated and enforced them on every Member of her Communion.

But, if ſhe did preach them up, pray what was the Conſequence? we have ſeen the Conſequence, my Lords; we have ſeen that, in ſuch a Caſe, the Catholic Prieſthood as well as Laity, of *England* and *Ireland*, were, almoſt univerſally greater Rebels to the State and Church of *Rome*, than to the Proteſtant or Puritan Government of theſe Kingdoms; and that they choſe to be the Servants of that Word,

which CHRIST revealed to their Ears, and impreſſed upon their Hearts, rather than Servants of Tenets everſive of all Morals, and abhorrent to human Nature.

Should a Foreigner of ſome diſtant Nation, or diſtant World, be told of the Principles of the Religion eſtabliſhed in *England*; ſhould he be told that It is no other than the *Law of eternal Love*, beaming forth and expanding into Actions and Sentiments of unbounded Benevolence. That it teacheth its Votaries to return Good for Evil, and Affection for Hatred; to look down upon Earth and All that is tranſient as Matters beneath the Attention of their immortal Spirits; to reject Riches, Honours, Pleaſures and temporary Emoluments; as Toys fitted, only, for ſuch of the Children of Men who are ignorant of their own Natures, and of the Advantages that are infinitely ſuited thereto; to ſay to this whole World, thy Goods are nothing unto me; to embrace Affliction; to ſmile under Calamity; and to regard Time, Pain, and Death itſelf, merely as Porters of that Gate

which

which opens on a glorious and bliſsful Eternity. Should ſuch a Foreigner, I ſay, be thus apprized of the Principles of our *Engliſh* Proteſtants, before he was acquainted with the Profeſſors thereof; could he form a higher Idea of the Rectitude of any Creatures, tho' he were to be introduced to the Society of the Seraphim?

But, ſhould this Foreigner, afterward, come to compare Action with Sentiment and Doctrine with Deeds; he might poſſibly conceive that we deemed it quite ſufficient to be pious, by Principle; but that we dropped the Practice thereof, on the High Road of Life to be picked up, by any who might deign to ſtoop for the ſame.

We ſee then, my Lords, that the good Principles, of a Church, are not neceſſarily attended by conformable Practices, and, conſequently, that the evil Principles, of a Church, are not neceſſarily productive of the evil Practices of its Members.

Mr. Serjeant, my Lords, hath told us that one *John Gother*, in a certain Book, entitled *a Papiſt miſrepreſented and repreſented*, has ſpecified and acknowledged his late Charge of abominable Tenets, as Tenets generally aſcribed to the Church of *Rome*.

No, my Lords, this is not the Fact. Doctor *Gother* ſpecifies the ſaid abominable Tenets, as Matters of mere Calumny; as Falſhoods invented, by ſome deſigning Enemies of the Roman Catholics, with a View to bring the Hatred and Perſecution of the World upon them. And he appeals to the Church of *Rome*, and to every Member thereof, for their utter Rejection and Abhorrence of ſuch Doctrines.

We all know how difficult it is for any Society, or Individuals of Society, to defend themſelves from the Malice of thoſe who hate or have Cauſe of Quarrel with them. Even CHRIST was ſaid to have been confederated with Devils, while he was buſied in conquering the Kingdom of *Satan*.

But,

But, my Lords, as the World, for ſome Ages, hath been peſtered and diſturbed with Affirmations and Negations, with much Quarrel and Controverſy, on this Head; and as ſuch a deal of Smoak can, hardly, be ſuppoſed, without ſome Matter of Fire or Embers at Bottom; I will with the good Patience of the Court, and of Mr. Serjeant, give the natural and veritable Hiſtory of this Buſineſs.

I am ſenſible that in the enſuing Account, I ſhall inevitably offend this People, whoſe Cauſe I am pleading, by ſpeaking lightly and diſparagingly of ſome Perſons and Things, which they think it their Duty and which it is, therefore, their Virtue to revere. But, I ſhall proceed in the Courſe and Inveſtigation of Truth, or of that which I conceive to be the Truth, without Byaſs or Regard to their Favour or Diſpleaſure.

My Lords, and Gentlemen of the Jury, it is notorious, thro' all Hiſtory, that, whenever *Religion* hath been impreſſed into the Service of *Intereſt*, It hath been taught to ſpeak the Language

Language and avow the Opinions that Intereſt ſhall occaſionally pleaſe to dictate.

From the 9th to the 16th Century, *Rome* had uſurped and ſtretched a Sceptre of temporal Juriſdiction over the Weſt. That Sceptre is now broken, that Juriſdiction is no more. Our preſent Matter of Enquiry is, how this ſhould come to paſs.

During the firſt nine hundred Years of the Chriſtian Diſpenſation, the Church was the Object, not the Author of Perſecution. Inquiſitions were, then, wholly of Pagan Inſtitution; and the Chriſtian Sufferers addreſſed many an Apology, to the Heathen World, wherein they truly ſet forth that the Principles and Practice enjoined, by their divine Legiſlator, were incapable of Offence toward any Government upon Earth. That his Religion, being that of Love, Peace, and Forbearance, could not poſſibly be at Variance with any Syſtem of temporal Policy; and that the Obedience, enjoined by CHRIST to the *Civil Magiſtrate*, was anſwerable to every Purpoſe of Civil Subjection.

But,

But, when temporal Dominion was wedded, by the Roman Pontiff, to ſpiritual Authority, his ſpiritual Authority was ſpeedily inſtructed in the Language and Sentiments of temporal Dominion. And *Rome*, now, refuſed that Toleration to Others which, with all the Force of Reaſon and Eloquence, ſhe had formerly claimed for herſelf.

As ſhe had founded her new Pile of earthly Domination upon the Broad Bottom of her Eccleſiaſtical Influence, ſhe grew exceſſively fond of making Proſelytes to her Faith, ſince ſhe now looked upon Them as Proſelytes to her Power; and ſhe became outragious on the ſmalleſt Defection from her Church, as ſhe held it to be a Weakening and Diminution of her State. Her ſpiritual Prelates were, now, become temporal Princes; they rather conſtituted the *Court*, than the *Church* of *Rome*. It is not, then to be wondered that, in their temporal Capacities, they preferred Earth to Heaven, and impoſed ſome Opinions, as Matters of Religion, that were dictated, merely, by Ambition and civil Policy.

By

By ſuch Means did *Rome* ariſe to her *neplus ultra* of all worldly Glory. She aſſumed a perpetual and univerſal Dictatorſhip. Whom ſhe would ſhe pulled down, and whom ſhe would ſhe enthroned; Princes kiſſed her Feet, Emperors held her Stirrup; and ſhe made Preſents of Diadems to the Children of Obedience, as Garlands, or ſuch like Favours, to be worn for her Sake.

While the World thus laboured beneath the double Yoke of the temporal and ſpiritual Tyranny of *Rome*, a few Eccleſiaſtics of her own Communion, had the Boldneſs to remonſtrate againſt the Innovotions that, from Time to Time, had been impoſed by the *State*, upon the *Church*; They accordingly propoſed a general Reform, and ſtrenuouſly urged for a Reduction of Chriſtianity to its firſt Principles.

Thus did theſe Eccleſiaſtics put the World in Mind that it was Time for them to think and judge for themſelves. People liſtened, with Avidity, to the Detection of ſuch Errors, as were alledged to have been adopted under the

the Papal Diſpenſation. Several Princes, alſo, who wiſhed to be freed from the Shackles of his Holineſs, gladly laid hold of this favourable Diſpoſition in their Subjects. And, when the *State* of *Rome* refuſed to make any Reform in the *Church*, theſe Princes caſt aſide all future Allegiance to her *Church* and her *State*; and the Nations claimed a Right in *Temporals*, and even in *Spirituals*, to judge and act for themſelves.

Then were heared the Papal Thunders, far and near, *Europe* trembled thereat. But, when People perceived that None was blaſted thereby, their Terrors gradually ſubſided, and now the Bulls of *Rome* may bellow, as harmleſs and unregarded, as the bleating of ſo many Sheep at *Banſtead*.

From that Time forward, the Power of the Roman Court began to decline a pace. Though the Pontiff had long claimed the Inveſtiture of all Authority, in Earth as well as Heaven, yet He did not equally pretend to a divine Delegation for Both. Even thoſe Potentates, who continued to acknowledge his

his ſpiritual Supremacy, ſcrupled not to reſume his temporal Uſurpations. His wide World is now ſhrunk to a little Demeſne in *Italy*, and his Power is diſclaimed by the few remaining Signories who do him Homage with their Lips.

This Divorce of *temporal Dominion* from *ſpiritual Authority* has again reſtored *Rome* to her primitive Charity. Wars, Feuds, and Inſurrections are no longer her Intereſt, and ſhe is become a ſincere Preacher of Peace upon Earth. Indeed her abſolving of *Subjects*, from their Allegiance to *Sovereigns*, was never any Part of the Dictates of her Religion, They were, ſoley, the Dictates of her Ambition and worldly Policy; and, as her Policy has long ceaſed to dictate ſuch Matters, we cannot poſſibly have any thing to fear from her Religion. She is, now no longer a *State*, ſhe is no more than the *Church* of *Rome*; and ſhe is, literally, able to ſay, with her MASTER, *my Kingdom is not of this World.*

The Depoſing and King-killing Doctrine, my Lords, as I have already intimated, might once

once have been the Doctrine of the *State* or *Court* of *Rome*. But, I ſhall now demonſtrate, that It never was the Doctrine or Principle of her *Church*.

Long before the Reformation, ſome ſuch Doctrines were, occaſionally, imputed to *Rome*; and This we will ſuppoſe, could not have been done without ſome Colour. But, long before the Reformation, alſo, her Church exculpated itſelf from ſuch abominable Imputations. We all know, my Lords, that the freeſt Thinkers of her Communion, however they may make light of the Opinions of their Doctors, or of the Ordinances of the Pope himſelf, they however, without Exception, confide in the Infallibility of a general Council; They believe all its Deciſions to be ſacred and indiſputable, and hold themſelves obliged to conform thereto.

Wherefore, My Lords, if I can prove to Ye, from the Authority of a general Council held at *Conſtance* in the Year 1415. From the Declaration of all the Academies of *France* in the Year 1626. From the Declaration of the

the Provincial Congregation of the Jeſuits held at *Ghent* in the Year 1681. From the Declaration of the *French* Clergy in their general Aſſembly held in the Year 1682. From the avowed Tenets publiſhed by their moſt eminent Doctors. And from the Doctrines univerſally and daily inculcated, by Manuals and Books of Devotion approved by their Church, and printed for the Uſe of their Families, and the Inſtruction of their Children, and the Children of their Children, without End. If I can thus prove I ſay, my Lords, from the invariable Doctrines of the Church of *Rome*, whether taken univerſally, partially, or individually, that her Principles are wholly the Reverſe of Thoſe with which Mr. Serjeant is pleaſed to charge her; I ſhall deſire to know what Footing, or Foundation, the Univerſe can afford, upon which his ſaid Charge may be permitted to reſt?

Ye have, already, heard the Principles imputed by Mr. Serjeant to the Church of *Rome*. Be pleaſed, now, to hear the Church of *Rome*, in her Turn; and judge whether it

it is from Mr. Serjeant, or herſelf, that ye are to learn her own Opinions; or, how far ye ought to allow an Imputation of Doctrines, which all muſt teach for themſelves, and which no one can teach for another.

Her Councils, Synods, Aſſemblies, Academies, Doctors, and the Individuals both of her Clergy and Laity affirm, as is evident by the Teſtimonies here in my Hand; That *the Pope hath no Authority over the temporal Power or Juriſdiction of Princes.* That, *neither a Papal Conſiſtory nor even a general Council can abſolve Subjects from their Allegiance.* That *it is impious and damnable in any Man to attempt to depoſe his Sovereign on Account of his being a Heretic or excommunicated for Hereſy.* That, *ſhould the Pope undertake to abſolve any People from their Allegiance to their Prince, ſuch Abſolution or Diſpenſation, would, in itſelf, be null and void.* That *all Catholic Subjects, notwithſtanding ſuch Diſpenſation, are bound in Conſcience to defend their King and Country, at the Hazard of their Lives and Fortunes, even againſt the Pope himſelf.* That *the King-killing Doc-*

trine, or Privilege for murdering Princes excommunicated for Hereſy, is damnable and heretical, and contrary to the known Laws of God and Nature. That *no Power upon Earth can licence any wicked or immoral Action, neither diſpenſe with Lying, Perjury, the Maſſacre of our Neighbours, or the Damage of our native Country, under Pretence of promoting Religion or the Catholic Cauſe.* That *all Pardons and Diſpenſations granted, or pretended to be granted, in order to any ſuch Ends or Deſigns, can be attended with no other Advantage or Conſequence than that of adding Sacrilege and Blaſphemy to the Crimes propoſed to be licenced.* And, that *the Doctrine of Equivocation, or mental Reſervation, is deteſtable in its Principles, is wholly contrary to Chriſtian Simplicity and Sincerity, and in its Conſequences, is everſive of Truth, Juſtice and common Society.*

Now, my Lords, as theſe are the Principles and Doctrines that have been invariably avowed, profeſſed, and taught, by the Chuch of *Rome*, and all her Members, during ſome Centuries laſt paſt; I want to know who it

is

is that has a Right to ſet up another Syſtem in her Name? I want to know what poſſible Exception, or Doubt, can remain in the Minds of People, reſpecting this Matter?

There is my Lords, there is one poſſible Doubt ſtill left. Captious People may queſtion whether Roman-Catholics are ſincere in their Profeſſion of theſe Principles; and the only remaining Teſt, of that Sincerity, will be to enquire whether their Practices have been conformable to ſuch Profeſſions?

Alas, my Friends! Heaven forbid that ever Proteſtants ſhould be tried by the ſame Teſt.

But, with reſpect to this ſame Depoſing and King-killing Doctrine. Was the ſovereign Prince of *Geneva* depoſed and expelled by Papiſts? no, my Lords, neither *Calvin* nor his Followers, as I take it, were Papiſts. Was *Sigiſmond* depoſed from *Sweden*; or *Philip* from the *Netherlands*; or *Mary* from the Throne of *Scotland* by Papiſts? Was the ſaid *Mary*, or her Deſcendant, *Charles Stuart*, put to Death by Papiſts? No. All this was

done by the Members of the Reformation. But, ſhall all the Practices of the Reformed be aſcribed to the Principles of the Religion that they profeſs? God forbid.

On the other Hand; if we put the Sincerity of Roman-Catholics to this Teſt, by comparing their *Profeſſions* to their general and known *Practice*, regarding Civil-Government; we ſhall find that they match like a Pair of Indentures, and that the one has been perfectly conformable to the other. Even in thoſe Countries where a different Religion is eſtabliſhed by Law, as in *Sweden*, *Brandenburg*, *Hanover*, *Upper Saxony*, *Holland* &c In every Climate, I ſay, and under every Conſtitution, we ſtill find them diſtinguiſhed for their Amenableneſs to Authority, and for their Attachment, Fidelity, and Affection to their Rulers.

And now, my Lords, if the good Principles of theſe People, with reſpect to Civil-Government, have been profeſſed and aſſerted, by themſelves and their Church, during many Generations. If theſe *good Principles* have

have been, further, atteſted and approved by their *Practice*, in all Countries, and under all Conſtitutions; I requeſt to be informed of any poſſible Doubt in a Caſe where every poſſible Proof is exhibited.

Lord Chief Juſtice.

Mr. Serjeant *Statute*, Have you any Thing in Reply to what has been argued on the other Side?

Serjeant Statute.

If your Lordſhips, and you, Gentlemen of the Jury, ſhall think a People deſerving of public Confidence who, notwithſtanding what has been argued, in Excuſe of other Principles, are profeſſedly Idolaters, Worſhippers of Gods of Paſte, of Relicks, and Image-Trumpery, with Legions of Saints and Saintrels, and ſo forth; I ſhall proceed to freſh Matter.

Counſellor Candour.

It is, my Lords, an uncontroverted Maxim, in Politics, that States have no Juriſdiction over Matters of Opinion that do not in-

terfere with the Weal of the State. Thus, if two Men quarrel, and one of them aſſaults and maims the other, on a Diſpute about the Derivation of a *Greek* Word, or concerning the Entablature of the Pillars of the *Jewiſh* Tabernacle, the State ſhould certainly take Cognizance of the offending Party, without regard to the Propriety or Impropriety of his Opinion, with which the Public has no Manner of Concern.

The only Uſe of Religion to Civil Government is, by making good Men, to make good Subjects. And, in a State or Community, all Religions are tolerable whoſe Opinions are not chargeable with *political Immorality*, or, that do not make *bad Subjects* by making *bad Men*.

Now, if the Gentleman can ſhew that theſe erroneous Opinions, which, by the Bye, are denied by the Church of *Rome*, are chargeable, as I ſay, with political Immorality; if he can ſhew that They are productive of Treaſons, Murders, Robberies, Seditions,

tions, or the Like, he will touch upon Something that may tend to his Purpoſe.

Serjeant Statute.

I always thought, my Lords, that Immorality conſiſted in the Deviation from Truth.

Counſellor Candour.

No my Lords, there are many Millions of Truths, in Mechanics, Mathematics, in Phyſics, and even in Ethics, the Negation of which cannot poſſibly be charged with any evil Tendency or Effect. *Moral Evil* conſiſts in *Malevolence* alone; and thoſe Sentiments or Opinions, that tend thereto, or are Conſequences thereof, are Criminals and Aggreſſors againſt Society.

But, my Lords, ſpeculative Errors or Ignorance may, in certain Caſes, be more than politically innocent, they may be politically uſeful. Auricular Confeſſions, Purgatories, Faſts, and Penances, are to the Members of the Church of *Rome*, what Diſcipline is in the military Department, they preſerve Roman Catholics in the familiar Uſe and Prac-

tice of daily Obedience; and this Habit of Reſpect and Submiſſion to eccleſiaſtical Diſcipline is, not unnaturally, attended with Reſpect and Submiſſion to the ſecular Powers. Thus, the Obedience of theſe People to the Authority of their Church is an Earneſt of their Obedience to the Authority of all States, whether Heathen or Chriſtian, under which they live. We cannot, indeed, boaſt of their being Sticklers for popular Rights, or Champions for Liberty; but we can truely affirm that they are the moſt loyal and amenable of all Subjects, under the Sun.

Lord Chief Juſtice.

Gentlemen of the Jury,—with your Leave, and that of the Gentlemen of the Bar, I will now proceed to my Charge, in the ſimpleſt and ſuccincteſt Manner I can.

Serjeant Statute.

I muſt, yet, entreat your Patience, my good Lord Chief Juſtice.

Although all other Catholics, throughout the Univerſe, were to be accounted loyal, peaceful,

peaceful, and amenable to Government, as well upon Principles of Religion as of civil Policy; yet the Catholics of *Ireland*, can never prove loyal to the royal Houſe of *Hanover*, or to any other princely Succeſſion, ſo long as an Individual of the unfortunate and infatuated Houſe of the *Stuarts* ſhall remain.

Mr. *Candour*, himſelf, has been exceeding honeſt and ample on this Head. He has ſhewn us that *Iriſh-Catholics*, notwithſtanding their temporal and ſpritual Grievances under *James* and *Charles* I. and notwithſtanding their Rejection of a Puritannical or Republican Government, ſtill continued inviolably attached to the Perſons of the ſaid Kings; as they did, alſo, to the Perſons of *Charles* and *James* II. and to the laſt Regent of that inauſpicious Line.

It ſhould ſeem indeed, by the Hiſtory of their Behaviour under the Whole Race of the *Stuarts*, that theſe People are of a Species, like Spaniels, whoſe Obedience and Fondneſs encreaſes in Proportion to the Laſhes that are inflicted

inflicted by their tyrannical Maſters. Their Loyalty appears to partake of the Propenſity of the Bull-Dog, who will not quit his Hold, though rent Limb from Limb.

What Proſpect, then, what Expectation can we reaſonably form, that *Iriſh-Catholics* will be induced to bear any cordial Fealty to our preſent illuſtrious Houſe, while a Twig of their anciently beloved Stem ſhall ſubſiſt? We may as well hope to ſever Attraction from Matter, as to tear, from the Breaſts of this People, their Inclination and Attachment to the *Stuart Line*. Thither their Looks, their Deſires, and Expectations will tend, to the Laſt; as ſome benighted Mariner looks to the Polar Star, whereby he hopes to ſteer to a Haven of final Safety.

Counſellor Candour.

I now begin, my Lords, to perceive the great Advantage of Oratory; and almoſt to think it a Match, in Controverſy, againſt Truth and a good Cauſe.

Mr. Serjeant, undoubtedly, conſcious that he could aſſign no rational Motive for the Attachment

Attachment of *Iriſh-Catholics*, to that ancient Houſe of the *Stuarts*, artfully deſcribes this chimerical Attachment, as irrational; and, thereby, avoids the Neceſſity of aſſigning any Motive or Cauſe for the Same.

I, however, acknowledge that he plentifully ſupplies all Deficiency of Reaſon with poſitive Affirmations that the Fact is ſo. He, himſelf, appears ſo fully perſuaded thereof; and he has rendered his Affirmations ſo feaſible and pleaſing, by a Number of illuſtrateing and agreeable Images, that we are almoſt compelled, againſt our better Knowledge, to fall in with his Opinion.

Mr. Serjeant, among other Things, takes Notice that *Iriſh-Catholics* rejected a puritannical or republican Goverment. But is it to be wondered that a People ſhould do ſo, who, through a Succeſſion of above ten Centuries, had been invariably attached to Monarchy and Epiſcopacy?

He tells us of the Weight, of the many temporal and ſpiritual Grievances, under which

which this People laboured, during the ſeveral ſucceſſive Regencies of the *Stuart* Family. If he finds any conſequent Groanings, Repugnancies, and Remonſtrancies; he yet finds, on the Part of *Iriſh* Catholics, no Intention of any direct Oppoſition or Rebellion againſt the Perſons eſtabliſhed, by Law, on the Throne. This he admires, he is amazed at it, he knows not how to account for it. *Paſſive Obedience* and *Non-Reſiſtance* come into his Head; and he compares this People to Spaniels whoſe Fondneſs is encreaſed by the Laſhes and Inflictions of their inhuman Maſters.

If it were any way pertinent to the Cauſe I have in Hand, to juſtify the Amenableneſs of *Iriſh Catholics*, at ſuch Seaſons, I would aſk Mr. Serjeant, what ought they to have done? Had they actually roſe in Rebellion, had they dethroned one or more of the ſaid oppreſſive Princes, whom had they to ſubſtitute in the Place of the Depoſed?

It is true that they continued obedient to *James* I. to *Charles* I. to *Charles* II. and to

James

James II. as they, afterward, did to *William* III. to Queen *Anne*, and, with much better Reaſon, to *George* I. and the II. whom they acknowledge of humane and illuſtrious Memory. But, my Lords, does their Submiſſion to the ſaid *Stuarts*, by whoſe Tyranny they were galled, imply that they had no Feeling nor Reſentment of their Wrongs? Is it further to be inferred that they became the more attached by the Greatneſs of their Loſſes, and the more enamoured of this Houſe by the Severity of their Sufferings?

I will ſhew Ye, my Lords, that this was unnatural, impoſſible. I will ſhew Ye that this inauſpicious Race, were inauſpicious, above all others, to the Catholics of *Ireland*. That their Hardſhips commenced under the *Firſt* of the *Stuarts*. That their Sufferings encreaſed under the *Second*, *Third*, and *Fourth*. And that their Ruin was compleated by the *Fifth* and laſt of that Name. And that it is not poſſible for this People to remember their Undoing, without remembering the Hoſtility of thoſe who brought it about.

On

On the Acceſſion of *James* I. to the Throne of *England*, *Iriſh* Catholics, as I once before obſerved, were ſeized of moſt of the Lands in that Kingdom. This firſt *Stuart* was, then, the firſt Invader of theſe their Properties, and, under the Fineſſe of Law, deprived them of more Lands than all the *Engliſh* Adventures had been able to lay hold of, by War and ſtrong Hand, during ten preceding Regencies.

Charles I. ſhewed his Approbation of the Meaſures of his honeſt Anceſtor, by vigorouſly running the ſame Courſe. *Ireland* ſaw no End of Inquiſitions and Seizures. Many private and Parliamentary Remonſtrances were made, againſt theſe warranted Plunders and legal Iniquities. The King, teized or, poſſibly, ſhamed into a Stop of ſuch Abuſes, had promiſed the Proprietors Redreſs and Reſtoration. His Deputy *Strafford*, however, ſecretly diſſuaded him from ſuch raſh and indiſcreet Retributions; and promiſed to take the whole Blame of the Knavery upon himſelf. The King, as ſecretly, thanked him

for

for this, ſeaſonable Saving of his eſcheated Lands and Honour; and though, afterwards, in the Time of his own Diſtreſs, his Majeſty profeſſed his Repentance of thoſe Injuries to others, and accordingly tranſmitted his Acts, of Limitation and Relinquiſhment, by the Committee of the *Iriſh* Parliament; yet the Government found Means to defeat the ſaid Acts; and the King's ſaid Graces *became null and void*, and his ſaid Uſurpations *remained in full Force and Virtue of Law.*

During the Authority of the Parliamentarian Government, as alſo during the Regency of *Cromwel*, many further Seizures were made of the Eſtates of *Iriſh-Catholics*, as well under Colour of the Defection of *Forty one*, as on Account of the Services which the *Iriſh* had rendered, in *Scotland*, to King *Charles* I. and to King *Charles* II. againſt the *Engliſh* Parliament, and more particularly againſt the *Scotch* Rebels, whom they defeated in a Number of deſperate Engagements. The *Iriſh*, however, fondly aſſured themſelves of the Reſtoration of theſe their Eſtates on the

Reſtoration

Reſtoration of the Throne to that Family, in whoſe Behalf they had loſt their Blood and their Fortunes. But, how cruelly were their Hopes defeated! This ſecond of the Name of *Charles*, and Third of the *Stuart* Line, no way degenerating from the Severity of his two Anceſtors toward *Iriſh* Catholics, and, deſirous of conciliating his formidable Enemies, at the Expence and by the Sacrifice of his invariable Friends, transferred, and confirmed, into hoſtile Hands the Properties and Eſtates that had been holden by his Defenders; he received to his Boſom the Partizans of the late Uſurper; he enſured to the *London Merchants* more than a threefold Equivalent of Lands in *Ireland* for the Money which they had advanced to carry on the War againſt his Father *Charles* I. and he conſented to a ſpecial Exception of *Iriſh* Catholics from the general Act of Indemnity which paſſed in Favour of all others, reſpecting the late Times of mutual Turbulence and Offence.

Serjeant

Serjeant Statute.

My Lords, if I do not forget, *Charles* II. made a ſpecial Reſervation in favour of a Number of the *Iriſh Gentry*, who had accompanied him, during his Exile, or had been, otherwiſe, perſonally attached to himſelf and his Father, and expreſly provided that an Equivalent ſhould be given Them, in lieu of thoſe Eſtates which they had forfeited in Conſequence of their adhering to the Crown.

Counſellor Candour.

Such a nominal Proviſion, indeed, was appointed, and conditioned to be carried into Effect, whenever the propoſed Equivalent ſhould be found: and this proved, exactly, as honeſt and as profitable, as enfeoffing them with like Territories, in the World of the Moon, provided they were ſo tall, or ſo ingenious, as to reach them.

Ye have now, my Lords, had a Detail of all the Favours and Benefits which ought to have attached the Gratitude, of the *Roman Catholics of Ireland*, to the Deſcendants of the

three Firſt of the *Stuart* Family. Let us ſee if they proſpered better by the Generoſity of their Succeſſors?

They, now, found themſelves deprived of moſt of the Lands, which they poſſeſſed, on the Acceſſion of the firſt *Stuart* to the Throne of *England*. A Remnant, however, was ſtill left to thoſe, who had ſided with the Common-wealth, or who, by a prudent Neutrality, or by Minorſhip, or other Accidents, were preſerved from any Impeachment or Colour of Defection.

But, here again, comes *James* II. the fourth of that friendly Houſe, to take away, at one Sweep, whatever had, inadvertently, been left by his Predeceſſors. His perſonal Appearance, with the Government and Conſtitution, as they imagined, on his Side, were tempting Baits to ſeduce them from their better Intereſts; but his Promiſe of re-eſtabliſhing the Religion of their Fore-fathers, and of reſtoring them to the Poſſeſſion of all their lapſed Eſtates, overbore all Heſitation,

on, and *Iriſh Catholics*, almoſt to a Man, embraced his Cauſe.

So great was the Folly and Superſtition of thoſe Days, that many even of the Proteſtants, againſt Intereſt and Common-Senſe, ſided alſo with this Enemy of their Rights and their Religion. They had not, it ſeems, reconciled themſelves to King *James's*, *involuntary Abdication of the Throne*, a moſt futile and needleſs Apology for rejecting him; when he firſt ABDICATED THE CONSTITUTION, he, then, ABDICATED THE THRONE, and by the moſt effectual of all poſſible Releaſes, diſcharged every Subject in the three Kingdoms from their Allegiance.

In the mean while, all the Advantage that the *Iriſh* received from this Phœnomenon of the *Stuart* Houſe, that appeared ſo wonderfully to riſe and blaze forth in their Favour, was, that He ſubjected them to the Forfeiture of all the little Property which his Predeceſſors had left them; that he paid their *true Courage* with *falſe Money*; and that he abondoned their Perſons to the Defence

of his own Cauſe, though he himſelf, in Perſon did not dare to avow it.

Happy for this poor People, the Conqueror of *James* II. was not of the *Stuart* Race, and was, ſtill, a greater Alien to their Policy and Diſpoſition, than he was to their Blood. *William* pitied both the Civil and Religious Prejudices of *Iriſh Catholics*. He beheld them as Enemies no longer than he beheld them with the Sword in their Hand. He reſtored to them the Properties and conſtitutional Privileges, of which they had been in Poſſeſſion, at the Time of their oppoſing his Acceſſion to the Throne. And, though he could not reſtore to them thoſe vaſt Territories which they had loſt, by Means of the *Stuarts*, He yet left them the free Privilege of acquiring an Equivalent, whenever they ſhould be enabled, by the Products of their Induſtry, to purchaſe the Same.

Unhappily for this People, as alſo for other Purpoſes of infinite Import, the Reign of this Monarch was but of ſhort Duration. To him ſucceeded Queen *Anne*, the laſt of the

the *Stuart* Line, and, with one Stroke, gave the *Coup de Grace*, or finiſhing Blow, to all the Misfortunes and Expectations of Roman Catholics in *Ireland*. Her Anceſtors had barely deprived them of thoſe Inheritances, of which they were in immediate Poſſeſſion; but *Anne* took due Care, and made effectual Proviſion that neither they, nor their Poſterity, ſhould ever inherit a Foot of Land in that Kingdom.

It is not, here, my Buſineſs to dwell upon the Grievances of the many limiting, prohibitory, and penal Laws, that were enacted during the Reign of that Princeſs. Be it ſufficient to obſerve, from the Beginning to the End, that the Hiſtory of *Iriſh Catholics* and of the Houſe of the *Stuarts*, ſeems to conſiſt of little elſe than Severities on the one Part, and Sufferings on the other.

Here, my Lords, we have ſeen Provocations without Meaſure, and Oppreſſions, whereof we can ſee no End, heaped ſucceſſively by every Branch of the *Stuart* Family, upon this People; Provocations more than

enough to keep alive their Reſentments againſt the Memory and lateſt Deſcendents, of that hoſtile Houſe, by whom they and their Deſcendents have ſuffered, and ſtill ſuffer, and may continue to ſuffer till Time ſhall be no more.

Here, my Lords, I ſay, we have ſeen every poſſible Motive for Rejection, Diſguſt, and Hatred irreconcileable; but no one Motive, in Nature, for Affection or Attachment, to the Holding of a Hair. But Mr. Serjeant, perhaps, may now have changed his Sentiments, with reſpect to the religious Principles of *Roman Catholics*; he may tell us that they have remitted the Offences of the *Stuarts*, through a Senſe of *Chriſtian Charity*. If, indeed, they can pardon Injuries, ſo irreparable and ſo laſting, they are, queſtionleſs, the moſt forgiving of all Chriſtians. And, if they, indeed, continued attached to ſuch ancient and inveterate Enemies, what would they have been to Friends, to Princes who had treated them with Lenity and Goodneſs?

But,

But, my Lords, ſhould we ſuppoſe, with Mr. Serjeant, that this pretended Attachment, of *Iriſh Catholics* to the *Stuarts*, was ſomewhat more than imaginary; what then? Had it been formed of Links of Steel, it could not have endured to the preſent Generation. Time ceaſeth not, from Day to Day, and Hour to Hour, to expunge, to wear, and eraſe all Impreſſions and Traces of former Intereſts and Regards. To Day we are in Deſpair for the Loſs of Parents, of Children, of ſome beloved Wife, or of Huſbands dear to Matrons who were not *Epheſians:* To-morrow and to-morrow, the Violence of our Affliction begins to ſubſide; every Week and Month brings additional Lenitives; next Year we become eaſy, the next Year we become chearful; and at laſt we find what, at firſt, we could not ſuppoſe poſſibe, that the *Affections*, as well as the *Faſhions* of this World, paſs and vaniſh away.

It is now ſeventy Years, and ſeveral Generations have decayed and ſucceeded, ſince any *Iriſh Catholic* lifted a Hand in Aid or

Comfort of a Deſcendant of the *Stuarts*: Even, during three Rebellions in *Scotland*; all was quiet among the *Iriſh*; no Commotion or Cry was heard in their Streets; no Voice of Diſaffection, to Government, or to that Family from whom the Throne derives its preſent Luſtre.

But, my Lords, where is this Houſe of the *Stuarts*, to which the *Roman Catholics* of *Ireland* are ſaid to be ſo attached? What are their Powers, their Expectations, their Connections, their Family Alliances? Where, I ſay, is the Warmth and Luſtre, of this ſame *Polar Star*, whereby our *Iriſh Catholics*, as Mr. Serjeant alledges, *look to ſteer into a Haven of final Safety?* All dark and extinct, not a ſingle Ray remains to attract or direct an Eye to the Place of their Exiſtence. Such Things and Perſons have been; but no Part of the known World, now, yields us any Tidings or Intelligence concerning Them.

My Lords, I would humbly propoſe a Queſtion which every Man who hears me, may anſwer to himſelf. If, while the Houſe

of

of the *Stuarts* ſtood, *Iriſh* Catholics were invariably and inviolably attached to It; ought ſuch Fidelity and Affection to their former hoſtile Maſters, ought ſuch a virtuous Propenſity to make them any way obnoxious to their preſent benign Rulers?

A certain Duke of *Orleans* raiſed Commotions in the State againſt his Kinſman, then King of *France*; but all his Meaſures were watched, and defeated, by ſome Perſons who were inviolably attached to the Crown. Upon the Death of the Monarch, this ſame Duke aſcended the Throne. His Courtiers thronged about him. They called out for ſpeedy Vengeance on his late implacable Enemies. But his Majeſty turning toward them, with a Smile and a Nod; huſh, huſh, ſaid he whiſperingly; *They are the very beſt Friends I have upon Earth*; *for thoſe who were faithful againſt me while I was Duke of Orleans, will be the faithfulleſt to me, now that I am King of France.* It is *Duty*, and not *Perſon*, to which they ſtand attached.

In

In truth, no People in these Dominions, no People in the Universe, can give surer Demonstrations, of their Obedience to Government, or Fealty to the reigning Powers, than *Irish Catholics* have given of their Amenableness to our Civil Establishment, for these seventy Years past, and of their Loyalty to the House of *Hanover*, since their first Investiture with the Crown of these Kingdoms.

It is true that the *Roman Catholics* of the Kingdom of *Ireland*, cannot comply with the Act of *Uniformity*, neither take the Oath of *Supremacy*, for these are contrary to their Conscience. But they are desirous of taking the firmest Oath, of true Faith and Allegiance to the gracious Person and Government of his Majesty *George* the Third; that is required from the Papists, of any other Nation, to any other Government throughout the Earth.

Let us no longer, then, be deceived, let us no longer deceive ourselves, *with an old Woman's Fable of the Massacres of Forty-one; with a groundless Imputation of infernal Principles,*

ples, or with an idle Suppoſition of this People's Fondneſs of a Race of Princes whom, of all created Beings, they have a Right to deteſt. Let us no longer, I ſay, deceive ourſelves with ſuch chimerical Apprehenſions; as tho' the Throne of the reigning Majeſty were endangered by *Iriſh* Catholics, or that Proteſtants could not live with them in good Fellowſhip or Security. Such Notions are as everſive of Truth and our own Charity, as they are injurious to thoſe our inoffenſive Countrymen and Fellow Chriſtians.

If *Iriſh Catholics* have been nurſed in Ignorance, or bred up to ſome Errors, that we have reformed; this is greatly their Misfortune, but no way the Fault of their Nature, or of their Will. Shall we then prohibit them from their Portion of Comfort upon *Earth*, becauſe we think ourſelves in a fairer Way of attaining Happineſs in *Heaven?* Be it ſufficient, for the Security of our King and Conſtitution, and for quieting the Jealouſies of their Proteſtant Brethren, that their Religion preacheth Peace, active Obedience,

and

and paſſive Submiſſion to all Civil Eſtabliſhments, under which they ſhall happen to live; and that their Conduct hath been proved, invariably, conformable to the ſaid Precepts, from Generation to Generation, beyond the Memory of Man.

But, my Lords, I have heard it queſtioned, by Men of Diſcernment, whether many of our *Iriſh* Proteſtants have in Fact the Jealouſies, that they pretend, of the Principles or Propenſities of *Iriſh* Catholics. People of ſelfiſh Hearts, and narrow Underſtandings, are apt to conceive that any Acceſſion, to the Fortune of a Neighbour, is a leſſening and Abridgement of their own Poſſeſſions. Ignorance looks upon Lands, however waſte and uncultivated, as the Wealth of a Nation; and Avarice deſires to engroſs the ſaid Wealth to itſelf, though incapable of encreaſing or uſing the ſame. Hence, many *Iriſh* Proteſtants are ſtudious to contrive, and to foment Fears and Jealouſies, to the Prejudice of their Popiſh Brethren, in order to preclude them, for ever, from any Portion of

Property

Property or Proſperity in their common Country. They ignorantly imagine that the Poſſeſſion of that deſolated Iſland, is as a Feaſt where, if few Gueſts participate, there will be the better Cheer. But, ſuch a national Feaſt, as ye well know, my Lords, requires many Hands to prepare and to ſerve it up; and what Sort of Fare ought we to get or expect, where we tie up the Hands and ſtarve the Mouths of our Caterers.

This, my Lords, hath been done, in Effect, by the many limiting Clauſes and Excluſions, of our Popery Laws, in *Ireland*. We have, by Diſcouragements amounting to an abſolute Prohibition, precluded, nearly, two Thirds of the Natives of that Kingdom, from contributing to the Proſperity of the remaining Inhabitants; and, by ſuppreſſing the Induſtry of the greater Part, we have effected the impoveriſhment of the whole of the Nation.

The Number of the People, my Lords, hath ever been accounted the Wealth of every Republic; becauſe Number ſupplies

Hands

Hands; and becauſe thoſe Hands ſupply Induſtry; and becauſe Induſtry ſupplies thoſe Products that can alone conſtitute the Wealth and Proſperity of Man: But if any Republic ſhall, prepoſterouſly, tie up the Hands, or diſcourage the Induſtry of its Conſtituents; the Number of Hands, that makes the Bleſſing and the Wealth of all other Republics, becomes the Curſe and the Poverty of ſuch an infatuated People; and the Compilers and Abettors, of ſuch perverſe Laws, find their Puniſhment in their Participation of the general Calamity.

Let us then unmuzzle the Oxen by whom, alone, we can propoſe to till the Land or to tread the Grain. Let us do more than relax the Hands by whoſe Induſtry we wiſh to proſper; let us encourage, let us incite them to labour for us, by admitting them to a Share of the Product of their own Toils. Let us ſuffer this poor People to eat the Bread of the Land, and, in return they will furniſh our Tables with Dainties. Let us bind them to us by their Intereſt. Let us

take

take a Pledge of them by their Property. And let us turn the Waſtes of *Ireland* into Scenes of Plenty and Proſperity, by making it the Advantage of *Iriſh Catholics* to reclaim and cultivate the ſame.

Lord Chief Juſtice.

GENTLEMEN OF THE JURY. This Tryal has been long, but that Length was unavoidable. Great Difference is to be allowed, between the Tryal of a ſingle Man, and that of a whole Nation; and ſtill more, where the Tranſactions and Intereſts, of that Nation, are carried backward, through paſt Ages, and forward into Futurity. Various Hiſtories of Times paſt, Preſumptions of Times to come, with all Cauſes and natural Conſequences, any way relative to ſuch Concerns, ought to be brought into Debate and impartial Conſideration.

The Gentlemen of the Bar have, with equal Ingenuity, ſelected and digeſted whatever was material to their reſpective Pleas, and have argued with equal Perſpicuity and Eloquence.

Indeed

Indeed the Council, for the Crown, has been much more conciſe than the Council for the Accuſed. But in all Caſes, it takes more Time and Terms, to anſwer and to ſolve Ænigmas and Exceptions, than to propoſe them.

In recapitulating what has been ſaid, I ſhall, purpoſely drop all Matters of Invective, and Figures of Oratory; I ſhall only touch what I conceive to be the Merits of the Cauſe on either Part.

Mr. Serjeant *Statute*, in his Plea againſt the Roman Catholics of *Ireland*, firſt charges, That during the Reigns of *James and Charles* I. *thoſe People enjoyed all ſpiritual and temporal Privileges equal with Proteſtants whoſe Religion was eſtabliſhed by Law.* And he further ſupports this Charge by the Teſtimony of Lord *Clarendon*, an Author, to this Day, in great Repute.

This was a very material Part of Mr. Serjeant's Plea; for, had the Caſe been ſo, it would have argued and aggravated the great Wickedneſs

Wickedneſs, as well as Folly of *Iriſh* Catholics, to riſe againſt Government when they had nothing to complain of, nothing to redreſs.

To this Mr. *Candour*, Council for the Accuſed, anſwers, that the Fact was wholly the Reverſe of what Mr. Serjeant repreſented; and that *the ſpiritual and temporal Grievances of Iriſh Catholics*, continued and encreaſed, throughout the ſaid two Reigns.

In Contraſt to the Teſtimony of Lord *Clarendon*, with reſpect to Spirituals, he produces many public and notorious Inſtances, where the Act of *Uniformity* was enforced with much Rigour; where the Exerciſe of the Popiſh Rites and Ceremonies were prohibited; and where thoſe People were enjoined under heavy Fines and Penalties, to conform to a Religion that was contrary to their Conſcience; a Matter which would have been as wicked in the Practice, as it was ſevere in the Appointment. For he who doeth *Good*, againſt Conſcience, doeth *guiltily*.

Again to invalidate the Teſtimony of the ſaid noble Author, with reſpect to Temporals; Mr. *Candour* produces ſuch a Multiplicity of unqueſtionable Authorities, that it is wonderful how any Hiſtorian ſhould have overlooked them.

He ſhews us that, early, in the Reign of *James* I. a civil Inquiſition was appointed, in *Ireland*, for examining the Titles that People had to their Eſtates.

I muſt here obſerve to ye, Gentlemen, that from the Conduct and Intention, of this Inquiſition, it does not appear that any Fault or legal Forfeiture, on the Part of the Proprietors, was either pretended or required, in order to the diveſting them of their Eſtates; if they could not produce and prove ſome grant from the Crown, or other Equivalent Conveyance, theſe Eſtates were, then to revert or eſcheat to his Majeſty; on the original Title, as we may ſuppoſe, of the Grant of the Kingdom, to King *Henry*, by Pope *Adrian*. Thus, the longer theſe Tenures had continued in Families, the more they were

were in Danger of Forfeiture or Reverſion, through the Likelihood that the Title Deeds had periſhed by Time or Accident.

This Inquiſition, however, was proſecuted with equal Injuſtice and Application, during the whole Reign of *James*, and to the latter End of the Reign of *Charles* I. and that, in ſo ſhameleſs a Manner, particularly by Lord *Wentworth*, as caſts back Infamy on the Council, Judges, and Inquiſitors, and all who were Parties to the ſame.

There can be no Queſtion, Gentlemen, of Facts equally atteſted, by the vaſt Territories found for the Crown under the ſaid Inquiſition, by the Remonſtrances of Parliament on the ſaid Grievances, by his Majeſty's Promiſe of Redreſs and Relinquiſhment, and by his tranſmitting two Acts to the Commons of *Ireland* for that Purpoſe: And, indeed, Mr. Serjeant ſeems ſo conſcious of Mr. *Candour*'s having refuted this Part of his Plea, that he ſilently acquieſces in a Procedure to new Matter.

Mr. Serjeant had further charged that, on the 23d of *October*, 1641, a univerſal Conſpiracy and Inſurrection of the Roman Catholics broke out through all *Ireland*. That forty or fifty thouſand Proteſtants were maſſacred before they had Notice or Time to avoid the Danger. And that one hundred and fifty thouſand were butchered, in cold Blood, during the two firſt Months of this Rebellion.

In Proof of the two firſt Articles of this heavy Charge, Mr. Serjeant quotes the expreſs Affirmation of Lord *Clarendon:* And, in Proof of the laſt Article, he quotes the expreſs Affirmation of Sir *John Temple.*

On the other Hand, the Council for the Accuſed ſets theſe two illuſtrious Witneſſes at Variance with each other; and ſhews that Sir *John Temple*, in direct Contradiction to Lord *Claredon*, affirms that the *Iriſh*, at the firſt, did not murder many *Engliſh*; but certainly, ſays he, that, which theſe Rebels mainly intended and buſied themſelves about,

was

was the Driving away *Engliſhmen*'s Cattle and poſſeſſing themſelves of their Goods.

Having, thus far, weakened the Authority of one or both of theſe Hiſtorians; Mr. *Candour* continues gradually to remove the Weight of this whole Charge, by the Teſtimonies of a Proclamation of the Lords Juſtices, *Parſons* and *Borlaſe*, recited by Sir *John Temple* himſelf. By Extracts from the Journal of the Houſe of Lords here in *England*. By a Letter from Lord *Clanricarde* to the Earl of *Briſtol*. By a Letter from the ſaid Lords Juſtices to the Lord Lieutenant, then in *England*. By another Letter from the ſaid Lords Juſtices to the ſaid Lord Lieutenant. And by a ſpecial Commiſſion of the ſaid Lords Juſtices, dated *December* 23d, 1641, preciſely two Months from the Day of the Inſurrection, and directed to ſeveral Magiſtrates in the Province of *Ulſter*, *&c.* to enquire into the Damages done by *Iriſh* Catholics. All which concurring Teſtimonies ſerve to perſuade us that the Inſurrection was very far from being general, either on the firſt

Day, or in the two firſt Months of ſaid Rebellion, and that not the hundredth Proteſtant, affirmed to have been maſſacred, can be ſuppoſed to have periſhed within that Time.

Mr. Serjeant hereupon, appears amazed that ſo many Authorities could have been brought together for the Overthrow of the Credit of his two hiſtorical Pillars, ſo long and ſo well eſtabliſhed in the Opinions of Mankind. He cannot conſent that either *Clarendon* or *Temple* ſhould be thought guilty of falſe Evidence; he therefore imputes the Error of the *Firſt* to ſome Interpolation, and the Error of the *Latter* to the Careleſſneſs of Printers, who had inadvertently ſubſtituted the Word *Months* for *Years*.

Gentlemen of the Jury. In my preſent Charge, I have choſen to follow that natural Order, in which the Merits of both Pleadings aroſe to my own Mind, rather than the preciſe Order in which they were argued. I ſhould, otherwiſe, have informed you, before now, that Mr. Serjeant, growing warm

on

on ſome little Matter of triumphant Merriment in his Opponent, crys out, we may, ſhortly expect to be told that there never was ſuch a Thing as the Inſurrection of Forty-one. This Gentleman may even except to the Depoſitions taken of the many bloody Butcheries committed at that Time; Depoſitions that have ſtood the Teſt of all Time and Enquiry theſe hundred Years and upward.

To this Mr. *Candour* very coolly anſwers, that he does peremptorily except to thoſe very Depoſitions. That all of them were taken by Perſons, who were the prejudiced and avowed Enemies of the People whom they propoſed to criminate thereby. That ſome of them might be preſumed the Depoſitions of thoſe who took them, rather than of thoſe who ſigned them, who could neither write nor read, and who, conſequently were ignorant of the Contents to which they put their Firm. That moſt of them were taken from Perſons juſt eſcaped from the Enemy, and were dictated, not by Facts,

but by the Fears of the Deponents; that they actually believed all to be maſſacred whom they left behind, a natural Effect of their Pannic, while each Deponent arrived terrified, like the Meſſengers to *Job*, and cried, *I only am left to tell the Tale.* Laſtly, Mr. *Candour* cloſes his Apology, on this Head, with a Recital of the Abſurdities contained in ſome of the ſaid Depoſitions, and pleaſantly hints at the Difficulty of numbering the Ghoſts, at *Portadown* Bridge, and of being duly aſcertained of their religious Principles.

Mr. Serjeant, ſomewhat piqued at this Kind of Raillery demands, of his Opponent, whether he admits that any Murders or Maſſacres were at all committed, by *Iriſh* Catholics, during the Courſe of this Rebellion; or whether it might not have been a very placid kind of Buſineſs, and quite innocent of Blood.

To this Mr. *Candour* replies, and does not heſitate to confeſs, that there were many, too many Murders and Maſſacres committed on both Sides. But, Gentlemen, the Diſtinction,

tinction, which Mr. *Candour* makes on this Occaſion, is worthy your particular Notice and future Recollection, as it is the Axis on which this Tryal is likely to turn. Theſe Maſſacres, he ſays, were not committed, on the one Side, by the People properly called *Proteſtants*; nor, properly ſpeaking, by the People called *Iriſh* Catholics, on the Other. They were commited, upon *Iriſh* Catholics, by a *fanatic and enthuſiaſtic Soldiery*; and upon Proteſtants, by *a ſavage and exaſperated Rabble of Free-booters*. He obſerves that *Engliſh-Proteſtants* and *Iriſh Papiſts* were, alike, Sufferers on the Occaſion; that the Generality, of the one and the other, had, in no Degree, provoked or interfered in the Quarrel; that they were mutually made the Victims therof; and that the Helpleſs and the Innocent, on either Part, were caſt to the Swords of the Guilty and the Offending.

Mr. *Candour*, having thus wholly cleared his Clients, as he conceived, from every criminal Imputation, hitherto charged by the Council for the Crown, expreſſes his Deſire

ſire of dropping all further Altercation, touching the Inſurrection of 1641, leſt, in the future Defence of his Clients, he ſhould be compelled to criminate the Sectaries of thoſe Days and, thereby, to give Offence to the Sectaries of theſe Days, with whom we continue to live in all Peace and Charity.

Mr. Serjeant, however, will by no Means agree to ſuch a Compromiſe. He ſeems to think that, where *Temple* ſpeaks of the Maſſacre of one hundred and fifty thouſand within the firſt *two Months* of the Rebellion, the Error lay merely in the Abridgement of the Time, and not in any Exaggeration of the Number. Thus reſtored as he apprehends, to the Merits of his Charge, he proceeds to perſuade us of the Likelihood of the Fact from the ancient Antipathy of the *Iriſh* to the *Engliſh*; from their beholding them as the Invaders of their natural Rights and Properties; from their Propenſities, on that Account, to perpetual Rebellions, ſince the firſt *Engliſh* Invaſion; and that, at this particular Period, when the *Scotch* were up

in

in Arms, and the King embroiled with his Parliament, the *Roman Catholics of Ireland* gladly ſeized the Occaſion to caſt off the *Engliſh* Yoke, which they nearly effected, as Mr. Serjeant affirms, by the Maſſacre and Extirpation of almoſt every *Engliſh* Proteſtant within the Kingdom.

Mr. *Candour*, no longer permitted to decline the Conteſt, caſts this ancient Repugnance, of the *Iriſh*, to Government, upon the intolerable Inſolence and Tyranny of the *Engliſh*. He adds that, during the Reigns of *James* and *Charles* I. when theſe People were admitted to the Protection and Warmth of a juſt and a free Conſtitution; had not theſe Advantages been, again overpoized, by the Deprivation of their Eſtates and the Prohibition of their Religion, they would have ſat down in Peace, the moſt ſatisfied and grateful of all Men living.

In Atteſtation of this juſt and amenable Diſpoſition in the native *Iriſh*, Mr. *Candour* refers to ſeveral very honourable Memorials in their Favour, quoted from Sir *John Davis*, Attorney

Attorney-General to *James* I. and one of the itinerant Judges in *Ireland*. Agreeable to this their peaceable Temper, he affirms that during the whole War of 1641, eight Tenths, of *Iriſh* Catholics, never offered to ſtir in any Act of Hoſtility. That great Numbers of their Gentry were perſonally attached to the King. That all this People, without Exception, were attached to the Conſtitution. That ſuch an Inſurrection was by no Means the general Inclination of the *Iriſh*. That they avoided its Commencement. That they deteſted its Conſequences. That they were artfully and violently impelled thereto, with a View to the Forfeiture of their Lives and Fortunes. And that they had no other Alternative, no other Option, ſave patiently to abide the Swords of their Enemies, or to ſtand for their Lives.

Mr. *Candour*, at this Time, ſeems juſtly aware that Allegations ſo contrary to the Opinions and Prejudices, long entertained and deeply rooted againſt this People, require very uncommon and unqueſtionable Proofs. He, therefore

therefore, calls in a Hoſt of honourable, right honourable, and royal Witneſſes to his Aid. From ſeveral Teſtimonies of Lord *Clarendon*, and ſeveral Teſtimonies of Sir *John Temple*, who were principally quoted againſt this People; from that of his Majeſty King *Charles* I. from many Teſtimonies of the Earl of *Clanricarde*; from that of the Author of the Hiſtory of Independency; of the Reverend Doctor *Nalſon*; of the Earl of *Caſtlehaven*; and of the Parliament of *Ireland*; he ſhews,

That, " *Many of the Iriſh Catholics were* " *driven by the Rigour of thoſe who were in* " *Authority, to put themſelves into the Protection* " *of thoſe whoſe Ways and Courſes they totally* " *diſapproved. That the Perſons, then in Power,* " *threatened all Extremities to the Community* " *of the Iriſh Nation, reſolving to deſtroy Root* " *and Branch, Men, Women and Children,* " *without Regard to Mercy. That ſuch Mea-* " *ſures armed this People with Deſperation.* " *That the Rigour fell even upon well deſerving* " *Servitors. That even thoſe, of the Iriſh Ca-* " *tholics, who fought under the Banners, and* " *in the Cauſe of the Government, conceived themſelves*

" *themſelves deſtined to Deſtruction let their En-*
" *deavours be never ſo loyal. That the Lords*
" *Juſtices had ſo diſpoſed of Affairs as if the*
" *Deſign was laid to put the whole Nation into*
" *Rebellion. That this was purpoſely done by*
" *the Independents that both Papiſts and Pro-*
" *teſtants might deſtroy one another. That the*
" *Lords Juſtices had a greater Eye to the For-*
" *feiture of the Rebels Eſtates than to any*
" *Means for preventing or ſuppreſſing the In-*
" *ſurrection. And, that a more unpleaſing In-*
" *clination could not be diſcovered than a Wiſh*
" *or Conſent that the War ſhould be any other*
" *way ended than with the Blood and Confiſca-*
" *tion of all this People.*

Hereupon, Mr. *Candour* obſerves that, after ſo many induſtrious Contrivances, for fomenting Diſcontents, and for exaſperating the Spirits of *Iriſh Catholics* againſt an *Engliſh Government*, it was not to be wondered that the Dregs of this People ſhould boil uppermoſt, and that the Savage and Flagitious ſhould perpetrate many Barbarities. But Mr. *Candour* ſhews theſe Barbarities were ſo far

far from being imputable to the People, properly ſpeaking, called *Iriſh* Catholics, that they were perpetrated contrary to the Cuſtom of their Army, to the Ordinances of their Clergy, and to the Orders of the Chiefs of the Inſurrection; that many of the Offenders were puniſhed by the *Iriſh* themſelves; and that they were univerſally condemned and excommunicated by their Church.

Mr. Serjeant *Statute*, additional to his firſt Charge of the Maſſacre of one hundred and fifty thouſand, further affirmed that, in the Courſe of this Rebellion, the *Iriſh* Catholics nearly effected their Intention, of caſting off the *Engliſh* Yoke, by the Extirpation of almoſt every Proteſtant within the Kingdom.

To this Mr. *Candour*, in the Courſe of his Defence, very fully replies. He ſhews, by a natural Deduction of hiſtorical Facts, from the firſt *Engliſh* Invaſion to the Inſurrection of Fory-One, that the collective Number of Inhabitants in *Ireland* could not be many; and, agreeable to the numerical Eſtimates of thoſe Days, he ſhews, that the reſpective

Amount

Amount of Epiſcopal Proteſtants, in that Kingdom, could not exceed the 150,000 alledged to be maſſacred. Wherefore to alleviate our Apprehenſions of the utter Extirpation of all theſe Proteſtants, at that Period; he very charitably proves, from the Authorities of Doctor *Borlaſe*, *Carte*, *Ware*, and Others; that the great Numbers of Proteſtants, who poſſeſſed themſelves of ſtrong Holds, who eſcaped from the open Country of *Ulſter* to *Dublin*, who were delivered from Bondage by Sir *William Cole* and Sir *Frederic Hamilton*, who were preſerved by Captain *Mervin* in the County of *Firmanagh*, who got ſafe to *Derry*, *Coleraine*, and *Carrickfergus*, who were Inhabitants of *Dublin*, who reſided peaceably in the open Countries of *Munſter* and *Leinſter*, who lived under the Protection of *Iriſh Catholics* where they were predominant, and who were ſaved from the Rabble by the Prieſts and Chiefs of the ſaid Catholics; Mr. *Candour* ſhews, I ſay, that, when all theſe Thouſands upon Thouſands are totted together, there cannot be very many miſſing of the original one hundred

and

and fifty thouſand, the Amount, as has been eſtimated, of Epiſcopal Proteſtants, at the Time of the Inſurrection.

Mr. Serjeant, finding himſelf thus puſhed from all the Arguments and Authorities wherewith he had entrenched himſelf, retreats to a Corner which he thinks ſtill tenible; he ſays he does not ſo much inſiſt on any particular Number, of Maſſacres and Murders, as on the Barbarity of the Manner with which they were committed; and he, inſtantly, offers to go into Proof.

Here, however, Mr. *Candour* interpoſes a friendly Caution, he hints that People ought not to be over forward in attacking Others from that Quarter where they, themſelves, are moſt expoſed; and he intimates his being able to produce five Inſtances, for One, of Cruelty for Cruelty, and Murder for Murder.

To this Mr. Serjeant replies, by a laſt Effort of Genius. He tells us, to the Purpoſe, that the Nature of an Action is properly de-

fined from the Nature of its Motive; and that the very ſame Slaughters, which are Maſſacres and Murders in the Hands of the Invaders of Laws, Country, or Conſtitutions, are Deeds of Worthineſs and Virtue in the Defenders thereof.

Mr. *Candour*'s Reply, on this Occaſion, was too particular, and too deſerving of the Remembrance of all who heard it, to require any Repetition. I ſhall therefore, barely obſerve that War, itſelf, when even exerciſed againſt Rebels and Invaders, hath its Laws and its Precincts. That no one ought to be offended, who by Captivity, Surrender, or Diſability of Age or Sex, is incapable of giving Offence. That the Pretence of Law or Religion, for the Perpetration of evil Deeds, ſerves only to deepen their Guilt. And, that Mr. Serjeant could not do a greater Diſgrace, to the civil or religious Conſtitutions of his Country, than by aſcribing to Them the Horrors that he has, vainly, endeavoured to juſtify by their Authority. Indeed, what worſe could he ſay of the People,

ple, whom he has arraigned, than that their civil and religious Principles tend to the Promotion and Perpetration of ſuch pernicious Deeds?

Mr. *Candour*, on the other Hand, has diſclaimed all ſuch Deeds and all Tendency to ſuch Deeds, on the Part of his Clients. He has ſhewn that, during the Reigns of *James* and *Charles* I. *Iriſh* Catholics, notwithſtanding their temporal and ſpiritual Grievances, continued loyal and even affectionate to thoſe two injurious Princes. That, previous to the Inſurrection of Forty-one, many additional Provocations were given, and many Rumours purpoſely ſpread, to perſuade this People that they were utterly to be extirpated. That the Inſurrection, however, was very far from being general. That they were violently and induſtriouſly impelled thereto, with a View to the Forfeiture of all their Fortunes. That they had no Alternative, ſave that of drawing their own Swords, or of offering their Throats to the Sword of their Enemies. That, in Times of ſuch law-

leſs Diſtraction and Ferment, Rancour begot Rancour, and Cruelty begot Cruelty. That the Commiſſions, on either Part, were bloody, dreadful, inexcuſable. That the Commiſſions, however, on the Part of the *Iriſh*, bore no kind of Proportion to the Repreſentation of their Enemies. That ſuch Barbarities were perpetrated, by an exaſperated Rabble, againſt the Inclinations of their People, the Cuſtom of their Army, the Orders of their Chiefs, the Exhortations of their Clergy, and the Ordinances of their Church. That, where they could not duely reſtrain the Profligate and Flagitious of their own Party, they ſhewed their Abhorrence of ſuch Enormities by a contrary Conduct; by reſcuing, freeing, defending, cloathing, feeding their Proteſtant Brethren; by convoying ſome to Places of Safety; by protecting others at their own Hearths; by ſheltering them in Chapels; by ſaving them under Altars. Finally, Mr. *Candour*, having intimated that the Amenableneſs, and Innocence, and Virtue of the *Many*, ought to compenſate, in the Eye of Prejudice, for the Guilt of the *Few*; he pathetically

thetically wiſhes that the ſignal Inſtances which he has given, of the Humanity and Charity of the Forefathers of *Iriſh* Catholics to the Forefathers of *Iriſh* Proteſtants, may avail them, at this Time, for turning the Hearts of their Children into Sentiments of kind Neighbourhood and brotherly Love. I confeſs that I do not perceive, within myſelf, any Averſion to the Succeſs of this Petition.

Mr. Serjeant *Statute* being, thus, gradually puſhed from all the Poſts and Fortreſſes, with which he thought his Argument ſo ſecurely entrenched, appears, however, extremely unwilling to quit the Field.

He finds that he cannot any longer maintain his Charge upon *Proof*; he is deſirous, however, of ſupporting it upon *Preſumption*. With this View he intimates that the *Practices* of People muſt bear a Proportion and Conformity to their *Principles*; and he truſts, from a Diſplay of the Wickedneſs of Popiſh Principles, to infer, an equal Depravity and Wickedneſs of Practice.

He then proceeds to give us a Summary of thoſe horrid and deteſtable Tenets. He ſets forth the Church of *Rome* as the Patroneſs and Sanctuary of all Kinds of Sin. He intimates that her Indulgence to the Crimes of her Votaries, requires neither the Contrition nor Reformation of the Delinquents; but that her Prieſthood, as it were with a magical Spunge, can wipe away all Wickedneſs, however deep the Stain. That ſuch Pardons may be granted to Sins that are, yet, ſcarce in Embryo or Contemplation. That they will avail for a Leaſe of Enormities to come. That they may be purchaſed for Years, for Life; be made deſcendible to a Man's Heirs, and, thereby, at once, may encourage and expunge the future Profligacy of Poſterity. And he laſtly affirms that when any Matter of Iniquity, however deteſtable in the Sight of God and Man, is ſuppoſed to be available for promoting what is called the Catholic Cauſe, it then changes its Nature, becomes a Matter of Righteouſneſs, is ſanctified by its Motive and deſerves Reward.

Mr.

Mr. Serjeant, it is true, does not produce any Authority in Support of the Juſtice of theſe horrid Imputations; but he clearly evinces that they are not of his own Invention, and that they muſt formerly have been charged to the Church of *Rome*, ſince her Advocates have taken great Pains to refute them.

I muſt obſerve to ye, Gentlemen, that Mr. *Candour*, in his Anſwer, takes a Method quite oppoſite to that of Mr. Serjeant. As Mr. Serjeant would infer the Wickedneſs of Popiſh Practices from the Wickedneſs of their Principles; Mr. *Candour*, with ſome better Appearance of Reaſon, would infer the Goodneſs of Popiſh Principles from the Goodneſs of their Practice.

For this Purpoſe, he ſeems to deviate from the Point in View, by running a Round throughout Hiſtory, from the Reformation downward; in all which he ſhews that there is no Kind of Conformity between the Practice of any Popiſh Nation upon Earth, and

the Heinouſneſs of the Principles imputed to this whole People.

He admits, however, that, previous to the Reformation, there might have been ſome Foundation for the ſaid Charge; but this he accounts for by a very natural Diſtinction between the *Church* and the *Court* of *Rome*; whereby he ſhews that when *Rome* was in her Zenith of temporal Principality, her Court was tempted to utter, in the Name of her Church, the Dictates of ambition and worldly Policy. He proceeds to remind us that this Temptation has wholly ceaſed. That *Rome* has been long deprived of her temporal Dominion. That ſhe is now no longer a Court, but a Church of *Chriſt*. That ſhe is thereby reſtored to her primitive Charity. And that, as ſhe ceaſes to be intereſted in the Dictates of worldly Policy, we cannot have any thing to fear from her Religion.

Mr. *Candour* is not contented to reſt here. He proceeds to affirm, and takes upon him to demonſtrate, that the Principles, imputed by

by Mr. Serjeant, were, at no Time, the Principles of the Roman-Catholic Church.

In Support of this bold Aſſertion, he quotes the Authorities of the General Council of *Conſtance*; of all the Academies of *France*; of the Provincial Congregation of the Jeſuits at *Ghent*; of the *French* Clergy in their general Aſſembly; of the moſt eminent Doctors of the Roman-Church, and of the Manuals and Books of Devotion univerſally approved, printed, publiſhed, and uſed by all Popiſh Families, throughout the World. And he ſhews, from the ſaid Authorities, that the Church of *Rome* is not ſatisfied with the bare Diſavowal of ſuch abominable Tenets, but that ſhe publiſhes, preaches, and inculcates, to all her Members, Doctrines wholly the Reverſe of thoſe with which ſhe is charged. And he, laſtly, demands to know, by what Right or Authority, any Perſon can pretend to form and promulge a Syſtem, in the Name of the Church of *Rome*, which ſhe, herſelf, univerſally refutes and contradicts, by her Preaching and by her Practiſe.

Here.

Here, Mr. Serjeant, like other great Men at the Bar, ſeems to fear that the Want of Juſtice, on his Side, might poſſibly be miſtaken for the Want of Genius; and, as he cannot ſupport his Charge (againſt Papiſts) of Principles repugnant to Civil-Government, he takes Occaſion to quarrel with them for Matters that differ, merely, in point of Faith and Opinion.

To this Mr. *Candour*, very pertinently, replies, that the ſole Uſe of Religion, in temporal States, is, by making good Men to make good Subjects; and that all Opinions are tolerable, in every Civil Government, that cannot be charged with political Immorality, or, that do not make bad Subjects, by making bad Men.

He goes further. He affirms, with great Appearance of Reaſon, that ſeveral of the Tenets of the Church of *Rome*, ſuch as auricular Confeſſions, Purgatories, Faſts, and Penances, however erroneous in Point of *Religion*, are attended by Conſequences advantageous to *Civil Government*, and, by habituating

tuating Roman-Catholics in their Submiſſion to *Church Diſcipline*, prepare them for that Obedience which is due to the *ſecular Powers*.

Here, Getlemen, I concluded that this Controverſy was at an End. For, when the *Principles* and *Practice*, of a People, had been fully convaſſed, I did not perceive that any Thing further could be objected. I was, therefore, proceeding to my Charge; but Mr. Serjeant gave me to know that I was too precipitate.

He informs us that, though all other Catholics, throughout the World, ſhould be, deſervedly, accounted loyal and ameneable to Government; yet the Catholics of *Ireland* can never bear true Fealty to the royal Houſe of *Hanover*, ſo long as an Individual of the infatuated Houſe of the *Stuarts* ſhall remain.

In Proof, he ſhews that, notwithſtanding the peculiar Grievances under which the Roman-Catholics of *Ireland* laboured, during the Reigns, and by the Means, of *James* I. of *Charles*

Charles I. of *Charles* II. of *James* II. and of the laſt Regent of a Line, ſeverely inauſpicious to this People; they yet continued attached to the Perſons of thoſe Princes, with the Fondneſs of a Spaniel, and the Adherence of a Bull-Dog, who will not quit his Hold tho' torn Limb from Limb. And, indeed, if Mr. Serjeant had further ſhewn that theſe People had proved unfaithful to the Princes of a different Houſe, or had acted againſt *William* III. againſt *George* I. or *George* II. in Favour of any *Stuart*, ſince they were legally excluded from the Throne of theſe Realms; his Charge had been greatly in Point, if not concluſive.

Mr. *Candour*, in Anſwer to this imputed Attachment, which he calls chimerical, does not offer to argue, in form. He thinks it ſufficient to ſhew, by a Detail of hiſtorical Facts that *Iriſh* Catholics, of all others, had the greateſt Reaſon to deteſt every Branch of a Line of Princes, who commenced in their Sufferings and concluded in their Ruin.

He

He proceeds to obſerve that, had this unaccountable Attachment of *Iriſh* Catholics, to the Houſe of the *Stuarts*, been any Thing more than imaginary; had the Remembrance thereof, even deſcended from Father and Son to the third and fourth Generation; yet Time and the Attrition of Years after Years muſt, 'ere this, have eraſed all ſuch partial Impreſſions; and that, in Inſtances of much nearer and dearer Recollection, the Affections, like the Faſhions of this World, paſs away.

If in Reality, ſays he, the Roman Catholics of *Ireland* continued faithful and loving to Thoſe, their inveterate Enemies, what would they have been to Friends, to Princes who had treated them with Lenity and Goodneſs? Such Fidelity and Affection to their former bad Maſters, can ſurely give no Cauſe of Exception or Umbrage to their preſent benign Rulers.

But where, demands Mr. *Candour*, where is this Houſe of the *Stuarts*, to whom the *Iriſh* are ſaid to look, as to the Haven of their

their Salvation? — Unhappy, and obſcure People! if any ſuch there are, the World neither takes Cognizance nor Concern about them. And who will look for Support or Succour from thoſe, who cannot, themſelves, ſubſiſt, but by the Compaſſion of others?

GENTLEMEN of the Jury; you undoubtedly recollect many Things, in this Argument, which the Briefneſs, peculiar to a Charge, did not permit me to recite. Ye are, now, at Liberty to retire, and to conſult upon a Verdict, moſt agreeable to Equity, and to the Nature of the Evidence that has been laid before Ye.

Foreman.

My Lords, we do not need to leave the Box, in order to debate this Buſineſs between ourſelves; we are already agreed upon our Verdict. But, my Lords, this is a Cauſe of great Weight to the World, and, it has been ſo fairly and fully handled, this Day, as to induce us to deſire that the Pleadings, on both Sides, ſhould be made public; as well to clear away the Load of hiſtorical Rubbiſh

that

that has lain upon Truth this Century paſt, as for the Satisfaction and Information of all People; and more eſpecially, for quieting and conciliating thoſe Animoſities that have been ſo long fomented by mutual Miſrepreſentations.

Such a Publication, my Lords, as we humbly apprehend, would render our Verdict altogether unneceſſary; as every Man muſt then judge, according to the Truth of Facts ſo very clearly and ſatisfactorily demonſtrated to Mankind.

Lord Chief Juſtice.

You muſt pardon me, Gentlemen; the Court cannot diſpenſe with a Proceeding ſo contrary to Form and Precedent. We inſiſt upon your Verdict. We, however, approve of the Publication of theſe Pleadings; as they may ſerve to acquit you of any Partiality, and, as I truſt, to juſtify your Deciſion, whatever it may be.

Gentlemen of the Jury — Are you agreed in your Verdict?

All.

All.

Agreed.

Lord Chief Juſtice.

Were the People, properly called the Roman Catholics of *Ireland*, guilty, or not guilty, of the many horrid Barbarities, during the Troubles of 1641, charged upon them by Lord *Clarendon*, Sir *John Temple*, and other Hiſtorians?

Foreman.

Not guilty, my Lords.

Lord Chief Juſtice.

Are the religious Principles of Roman Catholics conſiſtent, or inconſiſtent, with the Welfare of civil Government?

Foreman.

Conſiſtent with the Welfare of every Civil Government.

Lord Chief Juſtice.

Has the preſent Government of theſe Kingdoms any Danger to apprehend from the Attachment of *Iriſh* Catholics to the Houſe of the *Stuarts?*

Foreman.

Foreman.

No danger to be apprehended, as we humbly conceive, from the fallen Houſe of the *Stuarts*, on any Score whatever.

Lord Chief Juſtice.

Amen, Gentlemen, ſo be it, we pray God! — May all *Iriſh* Papiſts join with us in wiſhing that the illuſtrious Houſe of *Hanover* may continue to reign over theſe Kingdoms, for ever, in their preſent Meridian of Glory and Happineſs.

Foreman.

We moſt ardently concur in that Petition to Heaven! And, indeed, every Verdict, upon Earth, ought to cloſe with an *Amen*, to a Prayer for the Patrons of the Liberties of Mankind.

But, my Lords, we take leave to remind you, that Mr. *Candour*, in the Cloſe of his Reply to Mr. Serjeant *Statute*, went a Step or two further than he was warranted, as we think, by any previous Charge againſt this People.

He intimates that ſome *Iriſh* Acts of Parliament, reſpecting Roman Catholics, are indiſcreet, in Point of Policy, and ſevere in Point of Humanity. He does not ſeem to be ſatisfied with refuting the ſeveral Charges of Mr. Serjeant *Statute*. He himſelf, in his Turn, becomes the Aſſailant. He hints at the Cruelty of precluding Fellow-Subjects, Fellow-Chriſtians, and Countrymen, from the common Participation of Earth and Air. He directly charges *Iriſh* Proteſtants with Imprudence, and Inhumanity in their Conduct toward *Iriſh* Papiſts. And he ſpeaks, broadly enough, of the Suppreſſion of the Proſperity of the Kingdom of *Ireland*, by certain Ligatures which the Laws have put upon the Hands of two Thirds of the whole People.

Any Meaſures, my Lords, that tend to a Man's Benefit, though at the Coſt of his Brother, may be accounted for on the Principles of Self-Intereſt, or Self-Love. But Meaſures that apparently tend to our own Ruin, without any Advantage, ſave that of cruſhing

cruſhing under us the People whom we hate, ſuch Meaſures, I ſay, may poſſibly be accounted for, on the Principles of Paſſion, but never on any Principles of common Policy or common Senſe.

We cannot, therefore, but apprehend, with all Deference to the Merits of Mr. *Candour*, that his Warmth in the Cauſe which he undertook, has tranſported him into Exceſſes which he cannot coolly warrant. And, if Mr. Serjeant would be ſo good as to undertake the Defence of *Iriſh* Proteſtants, on this Head, we ſhould hear him with great Pleaſure, if not with ſome Prejudice in his Favour.

Lord Chief Juſtice.

Be pleaſed to reflect, Mr. Foreman, that we really have not Time to call another Cauſe. The Gentlemen of the Bar are much fatigued. This is, alſo, new Matter, which you wiſh to have debated; and, of a Conſequence that ought not to be paſſed over, as with Skates. I confeſs my own Ignorance, in a great Meaſure, of the Conſtitution and In-

tereſts of our Siſter Country of *Ireland.* We want Leiſure and Study in a Queſtion of ſuch Importance. If ye can prevail upon Mr. Serjeant to engage in a Cauſe which ye ſeem to patronize, I am ſenſible that your Advocate will be ſuperior to all Opponents, ſave Truth, alone; and this Day two Months, with your Concurrence, may be appointed for Trial.

I muſt apprize you, however, that, in the Cauſe propoſed, I cannot ſo properly take the Lead on this Bench. My Brother, here, the Lord Chief Baron *Intereſt* will be a much better Judge of ſuch Matters. I will, however, attend him with Pleaſure, and wiſh ye all, a good Night.

Hereupon the Crier broke up the Court, and all retired much ſatisfied with the Entertainment they had received, during the firſt Trial; and full of Conjectures with reſpect to the Iſſue of the Second.

THE

THE

TRYAL

OF THE

ROMAN CATHOLICS.

PART II.

THE

TRYAL

OF THE

ROMAN CATHOLICS.

PART II.

THE fifth Day of laſt *October* being arrived; the Judges, Lawyers and Jury, aſſumed their reſpective Places, as before; and Counſellor CANDOUR opened the Cauſe, in the following Words.

Counſellor Candour.

My Lords the Judges, and Gentlemen of the Jury! Ye are now to acquit or cenſure the

the Conduct of Perſons whom no Body dared to arraign in their Day. They are no leſs than her Majeſty Queen *Anne*, the laſt Regent of the *Stuart* Line, her Privy-Council of *England*, and her Privy-Council of *Ireland*, with the Lords and Commons, of that Kingdom, then, in Parliament aſſembled.

If I ſhall happen to be over warm in this Cauſe, as the Gentlemen of the Jury ſeemed to apprehend, when laſt we parted; it is not however, in behalf of Roman-*Catholics*, that I ſhall ſhew, the leaſt Appearance of an unbecoming Zeal. It is in Behalf of his gracious Majeſty *George* the Third; in Behalf of the Intereſts of this his Kingdom of *England*; of the Intereſt of the preſent Lords and Commons of *Ireland*, of *Iriſh* Proteſtants in particular; and of that my beloved and native Country in general.

On this Trial, my Lords, no Matter of Life or Death depends, all the Parties, accuſed, are long ſince deceaſed; and, indeed, the principal Matter with which we preſume to charge them, is that they were not Pro-

phets

phets as well as Legiſlators; that they did not foreſee, or, rather, that they did not, duely forecaſt the Evils that might enſue, and that have actually attended ſeveral Laws which they enacted in thoſe Days.

Serjeant Statute.

With your Pardon, my Lords, I do not perceive that we can regularly enter upon a Diſcuſſion of this Buſineſs. There is ſomething ſo ſacred in the conſenting Act of the legiſlative and executive Authorities of a whole Kingdom, as ought to deter Individuals from the Preſumption of Queſtioning, and, much more, from an Attempt to criminate the Same.

To what dangerous Lengths may Self-ſufficiency extend! if every private Caviller ſhall be permitted to quarrel with the Decrees of his Rulers; and to canvaſs and arraign, in Point of Juſtice or good Policy, the joint and ſolemn Acts of a national Legiſlature.

Counſellor Candour.

My Lords, I have already, been rebuked, either with or without Reaſon, for the Warmth

Warmth of my Friendſhip to Roman-Catholics. But, I have not imbibed ſo much of their Principles, as to aſcribe Infallibility to any ſpiritual or temporal Juriſdiction upon Earth. *Humanum eſt errare.* This is equally the Axiom of Nature and Experience. All Men are fallible alike in the Congregate, as in the Individual. And the Shrewd may err as much, by over-reaching their Aim, as the Ignorant, by falling ſhort or deviating from it.

If I conceive that any Mortal, or Aſſemblage of Mortals, have erred, or are about to err, in any intereſting Concern, can I ſerve them better, can I oblige them more, than by ſhewing where that Error may be avoided or reformed? Do not our Parliaments, themſelves, expreſsly acknowledge their own Fallibility, by repealing, and amending, a Multiplicity of Statutes which Experience hath proved to be pernicious or imperfect? Be it known to you, Mr. Serjeant, that I am one of the Conſtituents of the Parliament of that Kingdom. That I have thereby a Right to adviſe them, either before or during their Seſſion,

Seſſion, of any Meaſures that I conceive to be of public Concern. And that it is my Privilege, my Intereſt, and even my Duty to remonſtrate, to the Patrons of the national Proſperity of *Ireland*, on any Detriment that hath accrued, and on any Advantage that may accrue to our common Country.

But, my Lords, had the Laws, to which I object, been ever ſo juſt and wiſe at the Time of their being enacted; had they been machinated and framed, by an Aſſembly of *Solons*, of *Cecils*, and of *Pitts*; is that a Reaſon that they ſhould continue always wholeſome and neceſſary, to the End of Time? In a World, where nothing is permanent; where Modes, Manners and Intereſts are ever at a Flux; where Life is uncertain, and all it contains changeable; Nature and Reaſon will conform to Circumſtance and Situation, and, where Cauſes have ceaſed in any Degree, the Conſequences ought to ceaſe in the ſame Proportion. But, I further demand, wherein or againſt whom do I treſpaſs, in this Matter? Will his gracious Majeſty,

jeſty, or his Councils for either Kingdom, will our honoured Repreſentatives of the People of *Ireland* be offended, by my ſuppoſing that they, in their ſuperior Wiſdom, are duly qualified for rectifying the Miſtakes of their Predeceſſors?

Laſtly, Mr. Serjeant, were your Notion of reſpectable Infallibity equally applicable to all Monarchs, all Miniſters, all Councils, and all Parliaments, in all Ages; can it be Treaſon to affirm that a total Change of Times, Occaſions, and Exigencies, may make the Continuance of an Expedient abſurd and deſtructive, which originally might have been founded in ſome Sort of Prudence? No, ſurely. Permit me, then, Mr. Serjeant, to proceed, wholly untrammelled in the Way of Truth. It is not poſſible that I ſhould give juſt Cauſe of Offence, while I intend Nothing worſe than Honour to Station, Proſperity to my native Country in general, Advantage to the Proteſtants of that Country in particular, and a Relaxation from Grievances to ſuch of her Papiſts as, in the Iſſue, ſhall be found and deemed worthy thereof.

Lord

Lord Chief Baron Intereſt.

You are in the Right, Mr. *Candour*; pray proceed. God forbid that the King, or the Legiſlature of a free Conſtitution, ſhould condemn a Man for attempting the Service of his Country.

Counſellor Candour.

I ſhall not, my Lords, take any Manner of Exception to the Laws, eſpecially called the Popery Laws, as being ſevere or oppreſſive of *Iriſh* Papiſts; but merely, as I apprehend Them injurious to Government; dangerous and detrimental to *Iriſh* Proteſtants, and repugnant to the general Intereſts of the Nation.

BY THE 2d. *Ann.* Seſſ. 1. Chap. 6. " Every Papiſt ſhall be diſabled to purchaſe " either in his own Name, or in the Name " of any Other, or to his Uſe, or in Truſt for " him, any Manors, Lands, Tenements, Here- " ditaments, or any Rents or Profits out of the " ſame, or any Leaſes or Terms thereof, other " than any Term of Years not exceeding " thirty one Years, whereon a Rent, not leſs than

" than two Thirds of the improved yearly " Value at the Time of making ſuch Leaſe, " ſhall be reſerved or made payable during " ſuch Term; and all Eſtates, Terms, or " any other Intereſts, or Profits whatſoe- " ver, other than ſuch Leaſes as aforeſaid, " purchaſed by, or for the Uſe of ſuch Pa- " piſt, or upon any Truſt or Confidence, " mediately or immediately, to or for his " Uſe or Advantage, ſhall be utterly void."

Further, by 2d. *Ann.* Seſſ. 1. Chap. 6. Every *Iriſh* Papiſt is, effectually, excluded from bearing any Office, civil or military, or receiving any Salary, Fee, or Wages, belonging to, or by Reaſon of any Office or Place of Truſt under the Crown.

By the 8th *Ann.* Chap. 3d. " No Papiſt, " or Perſon in Truſt for any Papiſt, ſhall be " capable to take, have or receive, any An- " nuity for Life or Term of Years deter- " minable on any Life or Lives, or for any " greater or leſſer Eſtate, any ways charge- " able on, or that may affect any Lands, " *&c.*"

" All

" All collateral and other Securities by " Mortgages, Judgments, Statutes-Merchant, or of the Staple or otherwiſe, " which have been, or hereafter ſhall be " made or entered into to cover, ſupport or " ſecure and make good any Bargain, Sale, " Confirmation, Releaſe, Feoffment, Leaſe " or other Conveyance, contrary to 2d. *Ann.* " Seſſ. 1. Chap. 6. are void to the Purchaſer " of any the ſaid Lands or Tenements in " Truſt for, or for the Benefit of any Papiſt, " as likewiſe to any ſuch Papiſt, his Heirs " and Aſſigns, and All ſuch Lands, *&c.* ſo " conveyed or leaſed, or to be conveyed or " leaſed to any Papiſt, or to the Uſe of, or " in Truſt for any Papiſt, contrary to the " ſaid Act; and all ſuch collateral Securities " as are or ſhall be made or entered into, to " cover, ſupport, ſecure or make good the " ſame, may be ſued for, by any Proteſtant, " by his proper Action, real, perſonal or " mixt, founded on this Act, in any of her " Majeſty's Courts of Law or Equity, if the " Nature of the Caſe ſhall require it, and " the Plaintiff or Demandant in ſuch Suit,

" upon

" upon Proof that ſuch Purchaſe or Leaſe
" was made in Truſt for any Papiſt or un-
" der any Confidence to or for any Papiſt, or
" for his Benefit, by receiving the Rents, Iſſues
" or Profits thereof, or otherwiſe, ſhall ob-
" tain a Verdict and Judgment, or Decree
" thereupon, and ſhall recover the ſame, and
" have Execution, to be put into the Seizin
" and Poſſeſſion thereof, to hold and enjoy
" ſuch Lands, &c. according to the Eſtate,
" Uſe, Truſt, Intereſt or Confidence which
" ſuch Papiſt had or ſhould have had there-
" in, had he been qualified to purchaſe or
" enjoy the ſame, ſubject to all ſuch Rents,
" Covenants, Conditions, and Reſervations,
" and all Incumbrances and Portions what-
" ſoever, as the ſame would have been ſub-
" ject to in the Hands of ſuch Papiſt, or in
" the Hands of ſuch Perſon to whom the
" ſame were ſold, or leaſed in Truſt for ſuch
" Papiſt, or to his Uſe or Benefit, and ſhall
" alſo have the full Benefit of all ſuch col-
" lateral Securities as the Party to whom the
" ſame are or ſhall be made, might have
" had.

" No

" No Papiſt who is or ſhall be permitted " to follow any Trade, Craft or Myſtery " (except the hempen or flaxen Manufacture) " ſhall hereafter take or keep more than two " Apprentices at a Time, and that for no " leſs a Term of Apprenticeſhip than ſeven " Years; any Papiſt that ſhall offend there- " in by keeping more than two Apprentices, " or by taking or keeping Apprentices for a " leſs Term than ſeven Years, ſhall forfeit " 100*l.* for every ſuch Offence, to be reco- " vered by any Perſon who ſhall ſue for the " ſame."

AS THESE, my Lords, are, principally, the Statutes that ſerve, as I conceive, to weaken the Hands of Government, to endanger and impoveriſh *Iriſh* Proteſtants, and to obſtruct both the manual and landed Intereſts of *Ireland*; I ſhall paſs over, for the preſent, the many other penal and prohibiting Laws which if put in Execution, would not ſuffer a ſingle Papiſt to breathe, beyond the Barrs of a Jail, in *Ireland*.

But though thoſe Laws are ſtill in Force, it is long ſince they have been in Action; they hang, like a Sword by a Thread, over the Heads of thoſe People, and Papiſts walk under it, in Security and Peace; for, whoever ſhould adventure to cut this Thread would become ignominious and deteſtable in the Land.

Wherefore, without awaking ſuch Laws as have long ſlept, let us return to the Laws already recited, to the Laws that ſleep not, and conſider their Conſequences, firſt with reſpect to Roman Catholics apart, and ſecondly with Reſpect to Government, to Proteſtants, and to the National Intereſt.

From the ſaid recited Statutes it is evident, that *Iriſh* Roman-Catholics are precluded from profitable or durable Tenures in any Lands, or affecting or reſpecting any Lands, Tenements, or Hereditaments in that Kingdom.

Further, that all ſuch prohibited Tenures, Intereſts, Uſes and Truſts are diſcoverable, and may be ſued for, recovered, and poſſeſſed

by

by Proteſtants, without any Kind of Equivalent, Reimburſement, or Conſideration whatſoever, for the Same.

Further, that *Iriſh* Papiſts are perſonally incapacitated from ſerving the Government, or themſelves, by any Truſt or Office, whether civil or military, under his Majeſty.

And further, that, in their ſeveral Occupations of perſonal Craft and Manufacture, they are conſiderably crampt, by being prohibited from inſtructing and employing any conſiderable Number of Hands.

That, conſequently, *Iriſh* Papiſts are wholly diſcouraged and in a great Meaſure incapacitated from earning a Subſiſtance, by manual Occupation, or the Culture of Land, and, conſequently, from doing any real or perſonal Service, to their Families, to the Government, or to the Country in which they live.

That, ſhould they be able however, by Means of ſuch limited Induſtry, to acquire a Sum of Money, they are debarred from

realizing or aſſuring the ſame, and even from defending it againſt Robbers, for Want of Arms: And that, coſidering the many Uſes, both real and perſonal, from which Papiſts are precluded, it may be difficult to ſay of what Uſe they are in *Ireland*.

NOW, my Lords, where ſo numerous a People, all Natives of the Country and amenable to the Government under which they live, are diſcouraged, and diſabled by thoſe Laws, to which alone they can look for Countenance or Protection; we muſt, in Reaſon, ſuppoſe that this partial Hardſhip was appointed and permitted, with a View to ſome very extenſive Advantage; agreeable to the MAXIM, *that a particular Injury is, rather, to be ſuffered than a general Inconvenience.* And I would gladly learn, from Mr. Serjeant, what thoſe great and extenſive Advantages are, of which thoſe Laws have been, or were propoſed to be productive.

Serjeant Statute.

MANY, my Lords, and very great, and very extenſive, have been the Advantages, that

that were propoſed to accrue, and that have actually accrued, and that ſtill continue to accrue to *Ireland*, from the Acts eſpecially, called the Popery Acts. Firſt, with reſpect to the Religion there eſtabliſhed by Law. Secondly with reſpect to the Safety of the State. And, thirdly, with Reſpect to the Intereſt of *Iriſh* Proteſtants who ought to be conſidered, however few in Number, as the true and conſtituent Body of the Nation.

At the Time of enacting the ſaid diſabling Statutes, we will ſuppoſe that four fifths of the Inhabitants of *Ireland*, were Diſſenters from the Religion eſtabliſhed by Law, and that three of the ſaid four Fifths were Roman-Catholics.

This, the Governors of *Ireland*, with the Repreſentatives of the Nation then in Parliament aſſembled, conſidered as a very diſagreeable Circumſtance. The Reclaiming of ſo conſiderable a Portion of the People from their religious Errors and Prejudices, to a Uniformity of Principles in Church and State, became a moſt deſirable Object of Attention.

They were ſenſible that ſo great a Reformation could not ſuddenly be effected. They, however reflected, with Horror, on the many outrageous Wars, Devaſtations, and civil Feuds that had been nearly perpetuated, from the Reign of the laſt *Harry* to that Day, by the mere Means of Difference in religious Opinion. They were ſtudious of ſuch Expedients as ſhould prevent the Poſſibility of the Return of the like Evils. And though they were conſcious that ſo great a Work could not preſently be accompliſhed, they generouſly wiſhed to procure thoſe Advantages, for Poſterity, which they could not hope to ſee attained in their own Days.

It is, alſo, obvious to preſume that They were Perſons of uncommon Piety. They preferred the Intereſts and Advancement of true Religion, though diſtant, to temporal Concerns, which they knew, to be near, but held to be leſs important. They conceived that, even, the temporal Intereſt of their Poſterity would finally, be better accompliſhed by a general Conformity of ſpritual Opinions.

nions. And they therefore propoſed, by adequate Expedients, to gather the *Iriſh* Flock into one Pale, whereby they might at length become a happy People, united in Principle, Intereſt, Proſperity and Power.

For this great and beneficent Purpoſe they judiciouſly laid hold of the *two principal Springs* of all human Actions, *Pleaſure and Pain*, or *Intereſt and Damage*. On the one Hand, they allured Roman Catholics into the Pale of the Proteſtant Church, by an Offer of a free and equal Participation of all Benefits and Advantages ariſing in the State; and, on the other Hand, they deterred them from continuing in the Pale of the Popiſh Church, by Diſcouragements, Diſabilities, Forfeitures and Penalties. That, by a Sort of kind Conſtraint, they might impel an infatuated People to Happineſs; and puſh Them into the Profeſſion and Practiſe of a Religion, which Reaſon and future Reflection could not fail to approve.

Having, already, ſhewn the very important Benefits that are derived, from the ſaid

Laws, to the *Proteſtant Church*; I now, proceed to ſet forth the further Advantages that are, thereby, derived to the *Proteſtant State* of *Ireland*.

Mr. Clodworthy Common-Senſe.

Mr. Serjeant, we beg your Patience, awhile. You have ſo clearly and ſatisfactorily, demonſtrated the Advancement that true Religion muſt make, by Means of the ſaid Laws, eſpecially called the Popery Laws, that we deem them of ſufficient Value to theſe Kingdoms, without any further Advantage attained, or propoſed to be attained thereby. We, therefore, think it unneceſſary for you to proceed, till Mr. *Candour* has anſwered to this Part of your Pleading, if he happens to be furniſhed with any Matter, or any Appearance of Matter, for that Purpoſe.

Counſellor Candour.

My Lords the Judges, and Gentlemen of the Jury. — I am not, perhaps, ſufficiently prepared for anſwering to this Part of Mr. Serjeant's Argument. Indeed I, originally, made no Manner of Objection to the ſaid Laws,

Laws, with reſpect to their advancing or retarding true Religion. I merely, and expreſsly, excepted to them, as I apprehended their Conſequences injurious to Government, dangerous and detrimental to *Iriſh* Proteſtants, and repugnant to the general Intereſts of my Country.

I, however, imagine that I am furniſhed with ſomewhat more, than the Appearance of Matter, for ſhewing, that the ſpiritual and religious Advantages, ſuppoſed to be procured by the ſaid Laws, are not ſo well aſſured, ſo mighty, or ſo extenſive, as their Advocate has ſet forth, or as the worthy Gentlemen of the Jury ſeem inclined to believe.

If the Government and Legiſlature of thoſe Days did ſeriouſly intend, by the ſaid Laws, to promote and extend the Proteſtant Church; how comes it to paſs that the Means were merely *Civil*, whoſe Influence they made Uſe of in Matters of *Religion?* why did they appoint the *temporal Weapon*, alone,

alone, for the Cutting away of *ſpiritual Prejudices?*

Had our Anceſtors ſincerely and piouſly propoſed the Converſion of Diſſenters to their own Communion, it would ſurely have been by ſhewing, to the World, the ſuperior Rectitude and Purity of the Church eſtabliſhed, by Law, in theſe Kingdoms. To that great End, they would have enacted and publiſhed Laws, for diſcountenancing, and chaſtiſing, all Kinds of Vice, Irreligion, and Lewdneſs; eſpecially among the Members of their own Sect; neither would they have exempted Wealth, Title, or Station, from the Shame and Reproach that ought, legally, to be affixed on the Tranſgreſſors of the Laws of their God and the Land. They would have projected a Regulation, and further Proviſion, of Academies, Schools, and Seminaries, for Inſtruction and Education, throughout the Land; where the inculcating of Morality, and the Duties enjoyned by *Chriſt*, might be held, at leaſt, equivalent to the Knowledge of the dead Languages, and of the

Whore-

Whoredoms and Debaucheries of the Heathen Gods. By ſuch an early Proviſion for the future Morals, Virtue, and Conduct of Proteſtants, each Member would have ſtood, as it were, at the Door of his Church, and have attracted all others to approach and to enter; our Religion would have been juſtly, and inwardly, honoured, even by thoſe who determined to be obſtinate in Error; and our State would have received the happy Encreaſe, in a perpetual Succeſſion of good Countrymen, fair Traders, loyal Subjects, fearleſs Soldiers, and honeſt Men.

Indeed, the comparative Rectitude of any one Religion, in Preference to another, can no otherways be manifeſted than by preferable Rectitude in the Practice of its Profeſſors. The Word of God, himſelf, muſt remain a dead Letter till enlivened by Obſervance; and the divineſt Precepts of our divine Legiſlator, cannot ſhine, ſave by Reflection from the Subſtance of good Works. Ought the Members of any one Communion to hope, that the Members of another will

enter

enter their Pale, while they think they can ſhew as good Men, and as good Chriſtians, within the Circle of their own? If we ſtray from the Road of a good Life, is it Reaſonable to expect that others will follow, merely becauſe we have the Chart of the right Way in our Pockets?

Now, my Lords, Mr. Serjeant has been pleaſed to affirm, and the Gentlemen of the Jury have been pleaſed to conceive, that the ſaid Popery Laws were happily and ſucceſsfully enacted for the Advancement of true Religion; and, if this is the Caſe they muſt, neceſſarily have advanced the ſaid true Religion, by contributing to the Piety of Thoſe, already, within our Pale; or, by the Introduction of Men of Piety and Integrity into it.

But, my Lords, in the firſt Caſe, it cannot be pretended that Laws, merely, appointed to alure or puniſh thoſe, who are without our Pale, can have any worthy Influence on the Morals, or Chriſtian Principles, of Thoſe who are within.

In

In the ſecond Caſe, then, I demand, who are they, among the Papiſts, of whom theſe Laws are likelieſt to make Converts and Proſelites? Is it they who, agreeable to the Injunctions of CHRIST, are ready to ſacrifice all worldly Intereſts to the Dictates of Conſcience and Duty toward their God? No, my Lords, no. The very Reverſe. The ſaid Laws can be ſuppoſed to Influence thoſe alone, who are ready to ſacrifice, to their worldly Intereſts the Dictates of Conſcience and Duty toward their God. And, indeed, I wonder how a ſingle Papiſt-Reprobate ſhould continue out of the Proteſtant Pale, in *Ireland*: conſidering the many temporal Advantages they might derive from a verbal Recantation of their ſpiritual Errors.

In all Countries, where there is any Sort of Connection between Religion and Civil Government, the Church which, there, happens to be eſtabliſhed by the State will be productive, to its Votaries, of many temporal Advantages which Schiſmatics and Diſſenters ought not to look for. And it is

therefore

therefore that, generally ſpeaking, in all Countries the People who are, really, of no Religion, are, profeſſedly, of the Religion that is countenanced by the Government.

Hence it happens that there is a greater Appearance of Piety and Zeal among all diſſenting Sects, than among the Members of any national Church. But, where, additional to the general Benefits that ſuch Members enjoy, particular Rewards are offered to Conformiſts, and particular Penalties denounced againſt Recuſants; we ought to ſuppoſe, that no Perſon will decline ſuch temporal Advantages, or chuſe to undergo ſuch temporal Sufferings, except for the Sake of Conſcience, alone. And, what will be the Conſequence? Why, the Conſequence will be, that all the Flagitious and Profligate, all Perſons who are loſt to the Senſe of God and Futurity, and who deſerve exemplary Puniſhment, will meet with Reward; and that the full and entire Weight, of ſuch Diſadvantages and Sufferings, will fall upon thoſe whom nothing, but a Senſe of ſpiritual Duty

could

could tempt to a Change of ſpiritual Profeſſion; and who (however erroneous in Matters of Opinion) at leaſt retain the Merit of their Integrity and Virtue.

Indeed, as Matters of Civil Influence are altogether foreign, and oppoſite in their Nature, to Matters of religious Perſuaſion; it is remarkable that all Churches have thriven better, under the Winter of Oppreſſion and Perſecution, than under the hotteſt Summer of temporal Indulgence. Faith, whether orthodox or erroneous, is as the Cloak, in the Fable, which every Man wraps the cloſer about him, in Proportion as he is attacked by the Severity of the Weather. It is the Light of Reaſon and the Warmth of Favour, alone, that can prevail upon him to relax or caſt it aſide.

Is any Man the Maſter of his own Faith? can he bid himſelf to be of this or of t'other Perſuaſion? He cannot, my Lords; he cannot compel himſelf to believe this Way or that, much leſs can he be compelled by any outward Force. Mental Faculties are ſubject

to

to mental Powers, alone; material Inſtruments may, more eaſily, lay hold upon Air; Opinion and Prejudice cannot be influenced, or convinced, or reformed, ſave by Reaſon or the Letting in of Truth upon the Soul. Temporal Pleaſures, and temporal Pains may terrify, or allure Hypocrites, to the Utterance of Profeſſions that bely their Heart; but, ſurely, no Rewards ought to be kept in Store for ſuch ſpiritual Proſtitution; neither Puniſhments, for the Retainers of Conſcience and Intergrity. No Road can be right to the Wretch who takes it againſt Conviction, and Heaven will find a Home for him who errs in his Honeſty.

But further, my Lords. While all other Diſſenters, on their taking the Legal Teſt and attending our public Worſhip, are accounted ſufficient Members of the Proteſtant Church, and are accordingly admitted to all the Benefits of the State; to Papiſts, alone, the Entrance is made narrow, and difficult, and diſhonourable; and, at the ſame Time, that we bribe them to Conformity, and puniſh

niſh them for Recuſancy, we lay a Gulph before them, which None but the Adventurous, will dare to paſs.

By this Gulph, my Lords, I mean that Form of Recantation, which every Papiſt muſt repeat, in the Face of God, and of the Congregation, if He, or She propoſes to be legally reputed a Member of our Church and, thereby, to take Hold of the Advantages of our State.

Now, in this Form of Recantation, They are obliged, expreſsly and publickly, to avow that they are convinced, by the Bleſſing of God, of the many Errors and Abuſes in the Doctrine and Practice of the Church of *Rome*. That they believe the Doctrine, of *Purgatory*, *Pardons*, *Adoration of Images and Relicks*, and *Invocation of Saints and Angels*, to be repugnant to the Word of God. That public Prayers and the Miniſtring the Sacraments, in a *Tongue not underſtood by the People*, is contrary to Scripture. That *Tranſubſtantiation* overthrows the Nature of a Sacrament. That the *Adoration of the conſecrated Elements* is

idolatrous. That the holy Scriptures contain all Things neceſſary to Salvation. And that the Biſhop or Pope of *Rome* hath no Supremacy, or eccleſiaſtical Authority, given him, by *Chriſt*, over the *Catholic Church*.

My Lords. — In theſe many Articles which every Convert, from the Popiſh Religion, is obliged to aver, before God and the World, that he hath thoroughly diſcuſſed, and abſolutely renounced; in theſe Articles, I ſay, are contained almoſt the whole abſtruſe and ſubtile Region of Polemic Divinity; over whoſe Tracts Few have travelled, and whoſe Boundaries Fewer have found. The Battle is fought, to this Day, on the narrow Ridge of Diſtinction, between *Reverence* and *Worſhip*, *Invocation* and *Adoration*; between the *real and ſymbolical*, the *ſpritual* and *corporeal Preſence* of *Chriſt* in the Sacrament, *&c. &c.* But, my Lords, if theſe are Matters of Controverſy among Men who are grown grey amidſt Letters and Erudition; are they, alſo, to become indiſpenſable Matters of Science to the Ignorant and unlettered, to the Yeoman,

Yeoman, the Clown, the Cottier, the Day-Labourer? to Wretches who, neither by Education nor Nature, are capacitated for the Inveſtigation, or Idea, of ſuch Subtileties? If they are, my Lords, we may, peremptorily, pronounce, that Ninety-nine, in the Hundred, of all *Iriſh* Papiſts, are legally excluded from conforming to our Church; are excluded, I ſay, by thoſe very Laws, which were ſo happily framed (as hath been obſerved) for advancing and extending the Proteſtant Religion.

My Lords, I believe, that no Man, here, is inſenſible of the Difficulty of eraſing the Impreſſions of Infancy, when traced and deepened by the conformable Impreſſions of Education. Prejudices, in Favour of old Friendſhips, old Connections, old Attachments, and old Perſuaſions, are not ſuddenly, or without Pain, to be rooted up. I have heard it affirmed that the ſaid Laws were, never, the Inſtrument, or Means, of introducing a ſingle ſincere Convert into the Proteſtant Church. It is certain, that no Papiſt

ever repeated the ſaid Form of Recantation, for whoſe Converſion ſome Motive might not be aſſigned, independant of the mere Dictates of Conſcience and Duty. And I appeal to Mr. Serjeant, for his Opinion on this Head, not as an Advocate, but, as a Man of Integrity.

Serjeant Statute.

Mr. *Candour*, I muſt tell you that your Appeal is ungenerous; it ſhall, however, be generouſly and ingenuouſly anſwered.

In Truth, you have ſet this Affair in a very new and extraordinary Light, and have arranged your Arguments with a Force and Manner, that I was not aware of, and of which I did not think your Matter capable. I ſhall, therefore, only obſerve that, though our Catholic-Converts, under ſuch Conditions, may not, at firſt, be the ſincere and zealous Proteſtants we could wiſh them, This, however, is a Fault which muſt daily diminiſh; we can have nothing to fear from Education, or Prejudice, in their Children, their Grand-Children, and ſo onward; and thus

thus we ſhall continue to receive the growing Benefit of the ſaid Laws to the lateſt Poſterity.

Counſellor Candour.

But, pray you now, Mr. Serjeant. If thoſe Laws had opened a wider and leſs diſgraceful Way, for the Entrance of Popiſh Proſelytes into our Pale, do you think that their Number would have been leſs? Would not the Number of their Children and Grand-Children have been greater; and would not the Benefit of ſuch Laws have been, conſequently, extended and multiplied to our Poſterity? you know it, Mr. Serjeant.

In Fact, my Lords, many Thouſands of Popiſh Converts have entered our Pale, ſince the firſt Enacting of the ſaid Laws. But, of thoſe many Thouſands, not One in a Hundred, hath entered by the ſtrait Door of the ſaid ſuſpected and public Recantation. They have entered by the Way of our Fleets, of our Armies, and, in much greater Numbers, by the Way of domeſtic Service in Proteſtant Families. They have entered zealous

Papiſts, with all their Prejudices about them; but, by repeated Obſervation, and by occaſionally conforming to private or public Worſhip, They begin to perceive that there is not that Bugbear, in the Morals or Religion of Proteſtants, which they were taught to believe. Their Antipathies wear away; in Time they begin to approve, and, at laſt, to prefer.

But, my Lords, the late happy Inſtitution of Charter-Schools, in *Ireland*, hath availed, above all Laws, above all Schemes and Contrivances, for the timely Converting of Popiſh Infants into pious Chriſtians, ſincere Proteſtants, faithful Subjects, and uſeful Countrymen. I have ſeen many Proofs of the laudable Manner, in which thoſe Children of the State have been hitherto educated. Neither do I think that the World can afford equal Seminaries, for giving Infants an early Impreſſion of true Religion, for inſtructing them in all moral and practical Duties; and for preparing them, by various Branches of Induſtry, to be proſperous and beneficent Members of the Commonwealth.

I am

I am now, my Lords, quite impatient for the Performance of Mr. Serjeant's Promiſe, that he would proceed to ſet forth the many Advantages which are derived from the Laws, called the Popery Laws, to the *Proteſtant State of Ireland*. I am, indeed, curious to learn what can be ſaid, on this Subject. For, though I have the higheſt Opinion, of the Talents and Ingenuity of Mr. Serjeant, I can form no Idea of the *Mercury* which he is to hew out of ſuch a Block.

Serjeant Statute.

My Lords. When the ſaid Laws, called the Popery Laws, were firſt enacted; the Roman Catholics of *Ireland* were, proportionably more numerous, and much more powerful than they are, at preſent. The firſt Soldier of the World, though lately followed by the braveſt Army upon Earth, had found theſe People extremely formidable, and difficult to be ſubdued. By their Numbers, as well as Valour, and by their Connection and Alliances, with their Popiſh Brethren of *France*, *Spain*, *&c.* They poſſi-

bly, had been found, upon a ſecond Trial, ſuperior to all that *Iriſh* Proteſtants, though abetted by *England*, could bring againſt Them. The Impreſſion of the Force and Enmity, of *Iriſh* Papiſts, was then recent and ſtrong in the Memory of *Iriſh* Proteſtants, and they rightly meditated to ſuppreſs a Power, by which they muſt, otherwiſe, look to be ſuppreſſed.

But, how was this to be done, my Lords? was it by utter Extirpation? it might ſavour of Inhumanity to expreſs my own Sentiments or Wiſhes on the Occaſion. Had *old Oliver* lived, but another Year, perhaps a ſingle Papiſt had not remained in *Ireland*.

When the *Aſſyrians* conquered the ten Tribes of *Iſrael*; they did not maſſacre, or put them to the Sword, in cold Blood; but, they removed them to foreign Lands, where their Name and Memorial is taken from among Men to this Day.

The *Spartans* looked on all the World, as Barbarians, whoſe Dwellings were beyond the

the Confines of *Greece*. Yet, when they conquered the *Helots*, they condemned them and their lateſt Poſterity to a Sate of perpetual Bondage; They made them as Oxen to till the Ground, and as Beaſts of Burden, to carry their Baggage.

Even the People of *Iſrael*, the Elect of God, though they had made a League of Peace and Alliance with the *Gibeonites*, and had bound themſelves, by Oath, to the Obſervance thereof, yet, thought themſelves ſufficiently humane and compaſſionate, when they permitted thoſe very *Gibeonites* to live in the Land, though under the ſlaviſh Terms of being *Hewers of Wood*, and *Drawers of Water*, for ever.

But, my Lords, of all the Conquerors, that ever were, our Chriſtian Anceſtors, who enacted the ſaid Laws were, ſurely, the moſt merciful and the moſt beneficent. It was incumbent to do ſomething in Prudence; but they did nothing, in Malice. They found theſe People, in *Eighty-eight*, as their Fathers had been, in *Forty-one*, confederated

for

for the Re-eſtabliſhment of the Popiſh Superſtition, and for the Reſtoration of their pretended Rights to that Iſland, whereof the *Engliſh* had made a Conqueſt, above four hundred Years before, and had continued the Seizin to that Day. In ſhort, our Proteſtant Anceſtors ſaw no End to the Turbulence, and irreconcileable Animoſity, of theſe inveterate Papiſts; and had they been permitted to retain the Powers and Privileges, with which they had, hitherto, been ſo injudiciouſly entruſted, no End could have been found to their Enmity and Inſurrections, ſave in the utter Extirpation of all *Iriſh* Proteſtants.

Our gracious Anceſtors, however, purpoſed Nothing, againſt theſe their ancient and implacable Enemies, ſave what was neceſſary and indiſpenſable, with reſpect to their own Preſervation. They, even, proceeded calmly, and with ſucceſſive Deliberations, in this neceſſary Buſineſs. They firſt diſarmed them; they, next, ſet a Watch over their Virulence, and Motions. They further reflected, that theſe hoſtile Papiſts

continued

continued formidable, by their Numbers, by their Wealth, and extenſive Poſſeſſions. They were loth to deprive them of their preſent Properties; but they deemed it neceſſary to prevent their further Acceſſion of Power, by any further Acceſſion of durable Property in the Land. And I preſume, that Mr. *Candour* has little Cauſe or Colour to wonder, that a People ſhould not be readily admitted to the Communion of our Church, or the Offices of our State, who, from Generation to Generation, for above a Century paſt, had been the avowed Enemies of the One and of the Other.

Mr. *Candour*. You lately appealed to me for my Opinion as a Man of Integrity, and not as an Advocate. I now call upon You, in my Turn, Mr. *Candour*. And I aſk you, do you think that theſe ſame *Iriſh* Papiſts are to be depended upon with regard to their Friendſhip for their Proteſtant Brethren, or with regard to their Attachment to our illuſtrious Houſe of *Hanover?*

Counſellor

Counſellor Candour.

I will anſwer you as a Man of Honour, I think they are not to be depended upon.—But —

Serjeant Statute.

Your Pardon, Mr. *Candour*, I have not yet done. Our gracious Anceſtors, I ſay, in framing the ſaid Laws, did barely what was neceſſary for Self-Preſervation; and took nothing from this People, ſave the Power of doing Hurt. For had they been permitted to purchaſe, or acquire any durable Tenures in *Ireland*, their Power muſt have encreaſed, from Year to Year, and have been very terrible at this Day.

But pray, my Lords, what have they to complain of? They live, free, eaſy, and happy, under the beſt and moſt beneficient Government upon Earth. It is not with them, now, as it was before the Days of our moſt glorious *Elizabeth*, when they were treated as perpetual Rebels and open Enemies to the State. It is not with them, now, as it was in the Days of their own darling *Stuarts*, of

James

James I. and *Charles* I. when they were subjected to weekly Fines for Non-Conformity; and when whole Counties were taken from them at a ſingle Sweep. They are foſtered by the Conſtitution, they are protected by the Laws. They are free to exerciſe, and enrich themſelves, by any Craft or Occupation; they are permitted to trade and traffic throughout the Land. If they go to Market, they get Value for the Products of their Art, or their Induſtry; if they labour for Hire, they are paid their Wages; and their Perſons and their Properties are held as ſacred, and inviolable, throughout the Kingdom, as the Perſon or Property of any Proteſtant, therein.

If they are not contented; if nothing leſs will ſatisfy them than the Reins of Government, or the Inheritance of the Land; if they are grown fat, like *Jeſhurun*, and begin to kick in their Wantonneſs; why do they not travel? why do they not ſeek more commodious Habitations? This, as I am told, is what they threaten to do; I would

to

to Heaven they would make their Menaces good; for I ſhall never be free from Fear and Anxiety for my Proteſtant Brethren, in that Kingdom, while they harbour, in their Neighbourhood, in their Houſes, and in their Boſoms, ſuch dangerous and hateful Inmates.

Counſellor Candour.

My Lords, Gentlemen of the Jury. I am ſorry that Mr. Serjeant ſhould ſeem ſo diffident of the Weight of his own Argument, as to think there is Occaſion to ſharpen it with Acrimony. But, whence, I pray, is his Antipathy to this poor People? They never offended him, he is wholly a Stranger to them. He is a Stranger, my Lords, and therefore conceives his Averſion; had he known them his Bitterneſs and Acrimony woud have ſubſided, and Affection would take the Place of Malice, in his Breaſt; for I am ſenſible that Mr Serjeant has the Virtues of Humanity.

Bating Error, in religious Opinion, which is to themſelves alone, the Roman-Catholics of *Ireland*, are the moſt kindly, moſt friendly,

ly, moſt compaſſionate, and moſt generous, of any People, perhaps, this Day in the Univerſe. Hoſpitality is their Characteriſtic, to a Degree that is ridiculed by the Penurious and Narrow-hearted; and they have more Affection for their Goſſips, and Attachment to their Foſterers, than you *Engliſhmen* have to the Brothers of your Blood.

I confeſs that I wiſh them reclaimed. They are, now happily in the Way of being reclaimed, my Lords; but, I do not wiſh them baniſhed, becauſe I know not where we could get a People, ſo peaceful and amenable in their Conduct towards Government, ſo humble and obſervant of the Injunctions of their Maſters, or ſo ſocial and affectionate to their Proteſtant Neighbours, as the Roman-Catholics of *Ireland*.

Mr. Serjeant ſays, in the Heat and Inconſiderateneſs of Prejudice, that he would to Heaven They might all ſeek more commodious Habitations. But, my Lords, when he breathed forth the ſaid charitable Ejaculation, he had not conſulted with his Proteſtant

teſtant Brethren, of *Ireland*, for whom alone he appears to be anxious and alarmed. Waſte and poor as that Iſland is, in its preſent Condition, if the Popiſh Natives, thereof, were to quit the Land, to whom ſhould it look for Service or Labour? Seed-Time and Harveſt would equally fail, throughout; and though the ſaid Popery Laws have greatly diſcouraged and abridged the Products of the Art and Induſtry of Papiſts, yet the Want of what they produce, in Return for their daily and neceſſary Bread, would bankrupt and beggar that Country, in a ſingle Seaſon.

Mr. Serjeant, Gentlemen, intimates that theſe People are grown fat, and like *Jeſhurun*, kick in their Wantonneſs. But, they are not fat, my Lords, they are lean and broken-hearted, even as a Steer who lies abroad, upon the windy Heath, without Covering or Forage throughout a long Winter. Four Fifths of *Iriſh* Papiſts taſte not Bread, but as a Dainty. Their Habitation is no other than that of a few Sods

reared,

reared, One upon the Other, in the Space of a few Hours; and happy is that Family who has the Milk of a ſingle Cow to kitchen a frugal Parcel of ſodden Potatoes.

Mr. Serjeant, alſo, intimates that theſe People are ambitious, and aſpire at Government and the Inheritance of the Land; but they are too poor to be proud, and too much preſſed to be aſpiring. They are indeeed, the moſt humble and moſt dejected of all the Race of Man. They look not for Rule, neither for extenſive Poſſeſſions; They barely petition that their Proteſtant Brethren would open to them an Opportunity for better Service; and that the Government would accept a ſure Pledge of their Fealty, by admitting them to make Depoſits of the Product of their Labour.

Serjeant Statute.

I beg Pardon, Mr. *Candour*, I cannot help interrupting You. I am truely affected by what you have ſaid of this People! GOD forbid that I ſhould wiſh to break a Reed, already bruiſed; or deſire to exaſperate

Power, againſt a Set of unhappy Men, who are already under the Diſpleaſure and Depreſſion of the Law! If you can make it out that they are aggrieved by the ſaid Acts, 'ſpecially entitled the Popery Acts, beyond what was neceſſary for the Preſervation of Proteſtants, I will attend to you, without Prejudice, I ſhall hear you with Pleaſure; and I will be the firſt to ſolicit a Repeal or Mitigation of the ſaid Severities.

Counſellor Candour.

I thank you, Sir, I thank you, for myſelf and for my Clients. But, I am, from henceforth, no longer their Advocate; I care not what becomes of them. I have greater and worthier Objects in View; even the Intereſts of my glorious and gracious Sovereign GEORGE III. The Intereſt and Security of his Government in *Ireland*. The Intereſt and Security of my Proteſtant Brothers in that Kingdom. And the future Weal and Proſperity of my beloved native Country. All of whom, as I conceive, are aggrieved by the ſaid Laws, even more than thoſe very Papiſts, againſt whom they were enacted.

Mr.

Mr. Serjeant, my Lords, lately wiſhed that this depreſſed and wretched People would tranſport themſelves to ſome foreign and diſtant Land. I do not mention this, to upbraid Mr. Serjeant, who has expreſſed himſelf with that Humanity which I always thought his Character: But I mention it to ſhew the Damage and Danger of ſuch an Event, in a Light ſtill more glaring than, hitherto, I have done. In *Ireland* there are three Sorts of People or Powers, That of the Proteſtants, That of the Puritans, and That of the Papiſts; and each of them, within the laſt Century, in Turns aſſumed the Seat of Government. The Proteſtants are thought to be the feweſt in Number, but the Puritans and Papiſts, in Matters of Civil Policy as well as Principles of Religion, are extremely oppoſite, and are held in Abomination by Each-other.

Both Puritans and Papiſts can well brook the temperate Lordſhip and Regency of Proteſtants, but neither of them would brook the Lordſhip of the Other.

Thus the Regency of Proteſtants is as a middle Link, that holds and conciliates the Puritans and Papiſts on either Side. Should One of thoſe Powers attempt to diſturb the Peace of Government, or to ſeize the Rein, the Other would certainly join to wreſt It from their Hands; and thus Puritans and Papiſts, from their Averſion to Each-other, become as two Pillars that ſupport and aſſure the mediate Reign of Proteſtants and the Weal of the Nation. Did either of them quit the Land the two remaining Powers would be left to unavoidable Diſcord and Contention. Neither can a Man form a more unfriendly Wiſh to Proteſtants than the Baniſhment of Papiſts from the Kingdom of *Ireland*.

My Lords, Mr. Serjeant aſked me, ſome Time ago, upon the Word of a Man of Integrity, If I thought that *Iriſh* Papiſts were to be depended upon, with regard to their Friendſhip for their Proteſtant Brethren, or with Regard to their Attachment to our illuſtrious Houſe of *Hanover?* To this I anſwered

ſwered, without Heſitation, that I thought they were not to be depended upon.

May it not appear ſomewhat extraordinary, that I, who have ſo long and warmly pleaded the Cauſe of this People, ſhould paſs ſo precipitate and ſevere a Cenſure againſt them? Permit me to explain myſelf. Were any People that ever breathed (ſo circumſtanced as theſe People are) to be depended upon; I think that this very People might be depended upon.

With your good Leave, Mr. Serjeant. Suppoſe yourſelf married to a faithful and loving Wife, who happened to be of a different Religion, but who was, otherwiſe, connected with you in every Article and Obligation of Intereſt and Affection. Suppoſe that, upon ſome Miſunderſtanding or Quarrel, you ſhould take it into your Head to ſue out a Divorce, and thereafter, to keep ſeparate Beds, ſeparate Tables, ſeparate Houſes, and ſeparate Intereſts. Suppoſe, even, that your Eſteem for this Woman ſtill continued; would you, yet, have the ſame Dependence on her Af-

fection and Attachment to you, as when your mutual Obligations remained in Force?

Serjeant Statute.

I would not, Mr *Candour*, I ſhould have no Right, in ſuch a Caſe, to have any kind of Dependence upon her.

Counſellor Candour.

The Caſe, my Lords, is nearer than merely parallel. The ſaid Popery Laws, by diſarming this People, and placing a Guard over their Conduct, tells them, with more than a thouſand Tongues, that they are not depended upon. The ſaid Popery Laws, by rejecting them from all civil and military Employment, under Government, tells them, with equal Intelligibility, that they are more than ſuſpected. The ſaid Popery Laws, by abridging the Number of Hands, employed in their Manufactures, ſeem to intimate that we deſire not to participate of the Product of their Labours. The ſaid Laws, by refuſing them any real Security for their Money, bids them, honourably and openly, to carry their Hearts with their Treaſures, elſewhere. And,

the

the ſaid Laws, my Lords, by prohibiting this People from any profitable or durable Tenure in the Land, pronounce the moſt effectual and durable of all Divorces; They ſay, as *Sarah* ſaid to *Abraham*, ſend this *Hagar* and her *Iſhmael* far from me, for he ſhall not partake of the Inheritance with *Iſaac*.

Had theſe People, the Affection and Attachment, to Us, of grapling Irons; if We, ourſelves, induſtriouſly break and cut off every Hold, by which they can poſſibly be connected; They muſt, in Conſequence, of Neceſſity they muſt fall away.

But, as I ſaid, my Lords, it is not the Cauſe of Roman Catholics that I would plead. It is the Cauſe of my gracious Sovereign, of his beneficent Government, of my Proteſtant Brethren, and my native Country of *Ireland*.

It has been the Policy of all Countries, that have any Policy at all, to fence and ſtrengthen the reigning Powers, as much as poſſible, by the Affections and Powers of all the People over whom they rule.

When it is the Intereſt of all the People, of any Kingdom, to ſupport the Throne; that Kingdom is in the ſtrongeſt State that the Nature of Things will admit of. But in Proportion as any Part or Number, of the People, have nothing to fear, or ſomething to hope from a Revolution, or Change of Government, that Kingdom is in a State of great Danger and Weakneſs, forasmuch as the very People, whoſe Hands and Affections ought to be the Support of Government, are grown cold and liſtleſs towards it, or, perhaps, divided againſt it.

Such a conſiderable Deduction, from the natural Strength of a Kingdom, muſt proportionably enfeeble and debilitate the State; but, ſhould ſuch a Deduction, further, conceive itſelf to be intereſted in oppoſing or overthrowing ſuch a State, the Caſe becomes extremely perilous.

Had the Popiſh Forfeitures, of *Forty-one*, been leaſed out in Fee-Farm, or ſold, by the *Engliſh* Government, to any Papiſts, excepting thoſe who had forfeited the Same; all

thoſe

thoſe Papiſts, to a Man, would have fought, in *Eighty-eight*, againſt the World, the Fleſh, and the Devil, for that Government under whom they derived their Titles, and by whoſe Maintenance, alone, they could preſerve them.

In like Manner, had the Forfeitures, of *Eighty-eight*, been leaſed out in Fee-Farm, or ſold, by the *Engliſh* Government, to any Papiſts, excepting thoſe who had forfeited the ſame; human Policy could not have contrived a more effectual Method for dividing the Intereſts, and, conſequently, the Powers of a ſuſpected People; and for ſtrengthening the Proteſtant Intereſt of *Ireland* by attaching ſo great a Number of *Iriſh* Papiſts to the Proteſtant State.

Even now, were it enacted that all *Iriſh* Papiſts, excepting the Heirs of the ancient Proprietors, ſhould be at Liberty to purchaſe, or leaſe in Perpetuity, all the forfeited Eſtates, both of *Forty-one*, and of *Eighty-eight*; ſuch a Proviſion would pillar many Thouſands of loyal and valiant Subjects, with all

all their Followers and Dependents, under his Majeſty's Throne and Government. Whoever might, afterwards, give a longing Look out for Wains, or Changes of Government; it is not thoſe at leaſt, whoſe Families and Fortunes muſt fall with the State on whoſe Foundation they were erected. What a Fund of Wealth, alſo, ſuch a Proviſion would recal or retain in that Kingdom! And what a new Face of Culture, Harveſt and Induſtry would thereby, be ſpread over *Ireland!*

But, my Lords, was this the Policy of the Legiſlators who enacted the Popery Laws? By no Means.

On the Rebellion of *Eighty-eight*, nearly eleven hundred thouſand Acres of *Iriſh*, or Plantation Meaſure, were forfeited to the Crown; but upward of four hundred thouſand, of the ſaid Acres, were again reſtored under the Articles of *Limerick* and *Galway*. And, by a Statute, of the firſt Year of her Majeſty Queen *Anne*, it was enacted, under ſevere Penalties, that the remaining

maining Forfeitures, amounting to about ſix-hundred thouſand Acres, ſhould be ſet to none but Proteſtants.

Now the Succeſs of this Statute happens to be, that ſo extenſive a Part of the Kingdom lies, generally, deſolate, without Building, Fence, Plantation, or Improvement of any Kind, to this Day. For the Purchaſers, in Defect of Proteſtant Tenants, parcel out the ſaid Lands to poor Papiſts, at Will, who, being ſubject to Ejectment, upon inſtant Warning, think it their Intereſt to make all poſſible Profit, by preſent Waſte and Damage.

My Lords. When the Monarch of humane, as well as glorious Memory, had conquered this People; he deemed it ſufficient, for the Tranquility of the State, to deprive them of their Weapons or Means of Offence; and to ſet a Guard over them, That ſhould awe them into Subjection. He judged that this much was neceſſary to to keep them quiet and ameneable; but that any Thing further, might tend to enflame, and be productive

ductive of Danger, or Damage, to Government. By Records of gracious Memorial, he confirmed to them the common Rights of the Civil Conſtitution, by him, reſtored, explained and eſtabliſhed. He left it to the lenient Hand of Time, and to the prudent and placable Policy of his Succeſſors, to aſſociate and attach a People, as Friends, whom he had ſubdued, but had not treated as Enemies. And he left it, to this People, to thrive, and enrich themſelves, by an unlimited Freedom of Commerce and Manufacture; and, to give future Pledges of their Allegiance to Government, by future Lodgments of the Products or Value of their Induſtry; and by future Titles to Inheritances, and durable Tenures, derived under the State eſtabliſhed on the Revolution.

Now, my Lords, let us ſuppoſe, that no one of the penal and diſabling Statutes, which were inſtituted during the ſubſequent Reign of Queen *Anne*, had yet paſſed into Form; but that Matters had remained in the ſame Situation in which the wiſe, the glorious, and

the

the gracious *William* left them; I aſk, what would have been the Conſequence? what Damage would, thereby, have accrued to *Ireland?* Would Papiſts, in that Caſe, have been leſs ameneable and leſs attached to Government, becauſe they were favoured and cheriſhed by it? Would they have been the forwarder to bring Damage and Deſtruction on a Country, becauſe their own Intereſt was connected therewith, and the Fortunes of their Poſterity depoſited therein? Would they have been the readier to attempt the Overthrow of our beneficent Conſtitution, becauſe they enjoyed the Privileges and Advantages thereof? Or ought it to be expected, at this Day, that the Papiſts of *Ireland* ſhould bear greater Faith and Fealty; becauſe they are diſtruſted? or be the more induſtrious becauſe they are diſcouraged? or wiſh, the more warmly, the Intereſts of the reigning Majeſty, becauſe they have little to loſe by a Change of Eſtate? or attach themſelves, with a greater Affection, to Government, becauſe they have no Loan or Lodgment therewith, and have little to loſe by

by a Change of Conſtitution? or will they fight, with the better Spirit, in Defence of that Country, becauſe they have no Stake or Inheritance therein? What ſay you, Mr. Serjeant?

Serjeant Statute.

Your Queſtions include their reſpective Anſwers, Mr. *Candour.*—But tell me yet, I pray you. Suppoſe that all the ſaid Popery Acts ſhould be repealed. Suppoſe that, in Conſequence thereof, publick Induſtry ſhould be kindled; and Arts, Crafts, and Manufactures, be multiplied, and matured throughout the Land. Suppoſe that by the Products of *Iriſh* Labour and Ingenuity, the Wealth of the Nation and the Royal Revenues ſhould be annually trebled. And that, by admitting *Iriſh* Papiſts to derive, to themſelves, new Titles and Inheritances under our Proteſtant Government, they ſhould in Time, become Poſſeſſors of one Moiety, or one Third, of the whole Iſland, and, thereby, become the Means of ſpreading a new Face of Improvement, Plenty and Proſperity, through all *Ireland.*

Such

Such a Proſpect, though barely ſeen through the Glaſs of Expectation, makes a very deſirable Landſcape, Mr. *Candour*.

But tell me, I ſay; ſhould theſe People, while they retain their ancient Prejudices and Superſtition, be once again inveſted with Wealth, Power, and extenſive Poſſeſſions; what ſhould hinder them from, once more, attempting to eſtabliſh their ſaid engrafted Superſtition, in its priſtine State of Supremacy?

Furious, rapid, and fearful, is the fiery Spirit of biggoted Enthuſiaſm! It looks not to the Way of Right, nor liſtens to the Call of Reaſon; and all Things are trampled upon, without Pity or Diſcrimination, that lie in the Paths of its Progreſs.

Theſe People, as you tell us, are, at preſent, lean and broken-hearted. But, ſhould they again wax fat, may they not alſo wax wanton, and ſpurn their Feeders? Should *Iriſh* Papiſts, once more, get the Cards well packed and ready to their Hands; can you promiſe, Mr. *Candour*, that they will not play

over

over the old Game of *Eighty-eight* and *Forty-one?*

Counſellor Candour.

I do promiſe it, Mr. Serjeant. And I will bring *Truth*, *Nature*, and *univerſal Experience*, to guarantee my Engagement.

I, formerly, ſet forth to your Lordſhips, among other Matters of veritable Hiſtory, that, early, in the Reign of his Majeſty *James* I. the native *Iriſh* began to warm themſelves in the Sun-ſhine of a lawful and juſt Government. That they were, then, free to plead in thoſe very Courts where they could rarely obtain the Privilege of being, formerly, impleaded. That they got the Glimmering of the Advantages of a *Britiſh Conſtitution*, by ſeveral Inſtances of the Guardianſhip of their Perſons and Properties. And, had not thoſe very Laws (to whoſe Beneficence they gladly crowded for Protection) like *Penelope*, unravelled the Web they had woven, that *Iriſh* Catholics would have ſat down in Peace and Contentment, the moſt

pleſed

pleaſed and the moſt grateful of all Men living.

Was it then, becauſe theſe People were fattened, that in their Wantonneſs, they preſumed to ſpurn their Feeders? No, my Lords; it was becauſe they were impoveriſhed, becauſe they were flead, that they were provoked to kick; and ſo would any Thing that had Heels and a Portion of Life remaining.

It has been largely enough recited how, during the Reigns of the firſt and the ſecond *Stuart*, the Fortunes of theſe People eſcheated, as it is honourably ſtiled, to the Crown, to the Amout of, nearly, one Third of the Lands of *Ireland*.

This raiſed great Commotions, throughout the Kingdom and, particularly, in the *Iriſh* Parliament who addreſſed ſeveral preſſing Remonſtrances to his Majeſty, *Charles* I. and petitioned for a Reſtoration of the ſaid eſcheated Lands, to the original Proprietors. This the King repeatedly promiſed; but,

when the Proprietors found that they were, finally, defeated of their Expectations, firſt, by the Machinations of the Earl of *Strafford*, and afterward, by the Management of the Lords Juſtices, *Parſons* and *Borlaſe*, they ſeized the Opportunity of the contemporary Troubles in *England*, and determined to claim, by Force, what they could not obtain by Favour.

This, my Lords, was the Cauſe, and this, alone, was the Cauſe of the firſt of the Inſurrection of *Forty-one*. The Fomenters and Chiefs of the Confederacy had been the Proprietors of the ſaid eſcheated Lands; and they cried up Religion, as a Pretence, or Word of War, to the Vulgar, who had no Property to loſe; but, finding this Motive inſufficient, they annexed the Promiſe of a Diviſion of the whole Iſland among their Adherents, as ſoon as a Conqueſt ſhould be made thereof.

As the Chiefs of the Inſurrection, happily, failed in their Enterprize, they further forfeited, to the Common-wealth of *England*, whatever

whatever had been left them by *James* and *Charls* I. as did all who were, in any Degree, accuſed and convicted of having abetted, harboured, or countenanced, any Party or Perſon concerned in the ſaid Rebellion.

Theſe repeated Eſcheats and Forfeitures, left very little landed Property to any Papiſt, in *Ireland*, ſaving a Few who had derived to themſelves new Titles, under the *Engliſh* Government. Wherefore, in the War of *Eighty-eight*, all the Heirs and Deſcendents of thoſe who had been deprived of their Eſtates, either previous to, or on Account of the Inſurrection of *Forty-one*, gladly roſe, to a Man, in Support of *James* II. who promiſed them univerſal Reſtoration and Redreſs; all I ſay, ſave the Few who derived new Titles, under the Common-wealth of *Cromwel*, or the Crown of *Charles* II. and who ſtuck ſtaunch and true to their own Intereſts, and to the *Engliſh* Government, under whom they claimed.

It is true that the parading Terms of *Loyalty* and *Religion*, were loudly vociferated and

trumpeted among them; but *Property*, my Lords, *Property*, and *Property* alone, was the Principle and Momentum of the whole Machine.

If, after ſeveral Generations have paſſed away. If, after a Demeanour of long Peace and fair Allegiance, this People ſhould be ever tempted, by unforeſeen Events, or the Inſtigation of foreign Powers to riſe againſt us, it will, unqueſtionably, be in order to obtain ſome Root or durable Tenure, in the Land of their Nativity, from which they were precluded by the laſt of the *Stuart-Line*. And, my Lords, I can pronounce that, as ſurely as Matter ſtill gravitates to its Center, were theſe People but indulged, by the gracious Houſe of *Hanover*, with any deſcendible or durable Property in that Kingdom, they would ſtick, as Mr. Serjeant once expreſſed it, with the Propenſity of Bull-Dogs, to the Intereſt of that Power with whom their Intereſt was connected. No Loyalty, no Religion, no Regard to GOD or Man, can ſever that inherent Senſibility, from Nature, which

which muſt, ever, feel, and reaſon, and act in favour of SELF.

When the great Tumult and Uproar happened at *Epheſus*, in Appearance, concerning the Worſhip of their Idol, *Diana*; the People perſuaded Others, and even perſuaded themſelves that they were inſtigated, thereto, from a Motive of Piety. But, what ſays the divine and veritable Text of GOD and of Nature?

The Text ſays, that *a certain Man, named Demetrius, a Silver-Smith, who made Silver Shrines for Diana, brought no ſmall Gain unto the Craftſmen whom he called together, with the Workmen of like Occupation, and ſaid.—Sirs! Ye know that, by this Craft we have our Wealth. Moreover, ye ſee and hear that, not alone at Epheſus but, almoſt throughout all Aſia, this Paul hath perſuaded and turned away much People, ſaying, that they be no Gods which are made with Hands. So that not only this our Craft is in Danger to be ſet at nought, but that the Temple of the great Goddeſs Diana ſhould be de-*

ſpiſed, and her Magnificence ſhould be deſtroyed whom all Aſia and the World worſhippeth.

Here, this Fellow intimates, to his Fraternity, that their Clamour muſt be in the Name of *Diana*, while he confeſſes that *Mammon*, alone, is the Motive of their Inſurrection; a Motive the moſt prevalent, of all Motives, as we ſee, for ſtanding up in Oppoſition, even, againſt the Word of CHRIST, and the LIVING GOD.

However high the Tides of Loyalty or Attachment may ſwell. Wherever the Winds of Superſtition or Religion may blow. Intereſt, my Lords, is, at all Times, the Rudder that turns and ſteers the Veſſel of this World at Pleaſure. Or, rather, it is the golden Image of *Nebuchadnezzar*, before whom all People, Nations, and Languages fall down. Or, rather, It is as the very *Diana*, already recited; in whoſe Preſence the People of all Countries and Perſuaſions, cry out, with one Conſent, *great is this Diana of the Epheſians!*

Religion,

Religion, Kindred, Gratitude, Loyalty, a Senſe of Duty, will produce what we call Inclination, kindly wiſhes, and Attachment, to a certain Degree: But, if we would bind a People to us with Hoops of Steel, we muſt make it their *Intereſt*, as well as their *Duty*, to befriend us. Though a Nation were compounded of diſtinct and adverſe Families, Each taken from the different Sects, Perſuaſions, Religions, and Profeſſions, that prevail in the different Countries, throughout the Earth; do but unite them, by a Community or *Conſtitution of Intereſts*, and they will join as one Family in the Maintenance and Defence of *common Rights*. *Intereſt* is the *Knot* that never looſes; it is the Friendſhip, the *Fealty*, that never fails. And I repeat it, my Lords, would our preſent wiſe and humane Legiſlature admit *Iriſh* Papiſts to ſome deſcendible or durable Tenure, in their native Land; They would thereby arm them, as it were, with a Sword in either Hand. The one in Defence of the State without whoſe Continuance they could not retain their Property; and the other againſt All, even the Brothers

of their Blood, who might attempt the ſaid Poſſeſſions, under any eſcheated or forfeited Titles.

If you are attacked and have the Fortune to ſubdue your Enemy; human Policy can reach at no *Means for your future Safety*, ſave that of *depriving him of the Power to hurt you*; or that of adding to your own Power by *making it his Intereſt to befriend you*.

Be pleaſed then, my Lords, to apply the *Popery Laws* to the ſaid *Teſt*. And *firſt*; have They derived any Power to his Majeſty from this People? have they made it the Intereſt of *Iriſh* Papiſts to ſupport and defend the State? No, my Lords, no. They have, nearly, cut off every Inducement that might engage them to ſerve us. I would the Severity of thoſe Laws had been greater, or leſs; that they had been ſufficient on the one Side to ſerve for ſuppreſſing; or not ſo poignant on the other as to ſerve for provoking. They have laid our Roman Catholics under the Temptation of wiſhing for Changes and Events, more advantageous to themſelves;

themſelves; and what People are tempted to wiſh they are tempted to promote.

This, however, is not to be feared, if the Laws, that provoked them, have deprived them of their Power. But, has this been done, my Lords? Their Arms, it is true, have been taken away; but is the Supply of that Loſs, from abroad, an Impoſſibility? or, what ſays the Poet, of near two thouſand Years ago? *Furor Arma miniſtrat. An angry Man makes a Weapon of whatever comes to Hand.* They have been, alſo, prohibited, it is true, from realizing their Wealth in *Ireland*; from depoſiting in that Country any Pledge of their Attachment; and from lodging with the Government any Pledge of their Allegiance. But, are they alſo prevented from making Uſe of that Wealth, againſt the Country and Government, in whoſe Favour they are not permitted to depoſit It?

Ready Money, my Lords, is *ready Power* throughout the Earth; and thoſe Laws have compelled this People to preſerve it. They

are

are neceſſitated to lodge it in the Hands of our foreign Enemies; or to keep it in their own, for any ſudden or occaſional Call. Let this People be ever ſo placable, well tempered, or affectionate; they cannot conſider Thoſe, in the Light of Friends, who treat or conſider them in the Light of Enemies. It is a fearful Situation, my Lords, where Invaſions, or Events, that are Matter of Apprehenſion to one Part of a People, may poſſiby prove Matter of Expectation to the Other. Indeed, we have not a Right to expect that *Iriſh* Catholics ſhould be warm in the Support of an Intereſt from which they are, legally, alienated and excluded.

On the other Hand, ſuppoſe that this People had been permitted to lodge their Treaſures with Us. In ſuch a Caſe, my Lords, we ſhould have taken Poſſeſſion of their Affections and Hearts, alſo. Whoever thinks, otherwiſe, is a Diſbeliever of the Word of CHRIST.

For Inſtance. Suppoſe that quickly after the Declaration of War, between *Great-Britain*

tain and *France*, a certain Man had been appointed Commander of an *Engliſh* Man of War, who happened, at the ſame Time, to have a large Fund of Wealth in a *French* Bottom. Suppoſe that this Commander, in his Cruize, happens to meet the very Veſſel in which his Wealth is depoſited. He knows that it is his Duty to fight; but, will he be pleaſed with the Opportunity? will he be haſty in giving orders for the firſt Broadſide? Suppoſe that, in the Spirit of Heroiſm and Conſciouſneſs of Duty, he fights and ſinks this Veſſel to the Bottom; will he have no Compunction, no Regret, for having been acceſſory to the Loſs of his own Treaſures? Whoever is of this Opinion knows nothing of Common-Senſe or of human Nature.

Lord Chief Baron Intereſt.

Enough, enough, Mr. *Candour*. You have demonſtrated, in all Lights, that the Laws, eſpecially called the Popery Laws, have conduced very little to the Strengthening of the Throne or Government of *Ireland*; and I am perſuaded that Mr. Serjeant, himſelf, is of

the

the ſame Opinion. What ſay you Mr. Serjeant?

Serjeant Statute.

I am, my Lords, I am convinced. But, I am not equally convinced that thoſe very Laws have not conſiderably advanced the diſtinct Proſperity of Proteſtants in that Kingdom. The Removal of Papiſts from any profitable or durable Tenures in *Ireland*, hath not removed the Lands or the natural Products thereof. Theſe remain as a Capacity, or ſpacious Field, wherein Proteſtants may multiply and, at length, ſtand up ſufficient to themſelves, without Rivals in Number, or Elbowers for Poſſeſſion. This, I confeſs, my Lords, is what I wiſh, and what I look for, as the final Iſſue and Conſequence of the ſaid Popery Laws; a bleſſed Iſſue, Gentlemen, whenever it ſhall come to paſs, and well worth our Patience, for another Century at leaſt.

Counſellor Candour.

I will prove to you, Mr. Serjeant, that this muſt ſooner and more aſſuredly come to paſs,

paſs, from a Repeal or Mitigation of the ſaid Popery Laws, than from any other Expedient that can be deviſed.

My good Mr. Serjeant *Statute*; you, ſome Time ſince, expreſſed yourſelf with much Humanity, and generous Compaſſion, in regard to theſe poor People. I would to GOD you might ſee them in their Wind-winnowed Huts, that are empty of all Things, except the Inhabitants. For depreſſed and impoveriſhed they are, to ſuch a Degree, as you would think beyond the Sufferance or Suſtainance of human Nature. But, I diſdain to take Advantage, by laying hold of your Paſſions, I deſire nothing more than that your Reaſon ſhould attend.

My Lords. Gentlemen of the Jury. When Mr. Serjeant lately wiſhed, in favour of Proteſtants, that all *Iriſh* Papiſts ſhould quit the Land; I gave my Reaſons for thinking that this could not be the Wiſh of any *Iriſh* Proteſtants who were capable of diſcerning their own Intereſt. I further intimated the inevitable Ruin that ſuch an Event muſt bring upon

upon the Country in general; and, more eſpecially, on the *few Proteſtants* whom I moſt affected, *the rightful Heirs of our Conſtitution, and the Eſtabliſhed of our Laws.*

As Mr. Serjeant did not think proper to make any Reply, I did not deem it neceſſary to expatiate on the Matter, though I had Room and Scope, at large. —— Mr. Serjeant, do you chuſe? —— Well, Sir, enough —— I am pleaſed, I aſſure you to drop all Sorts of Argument, on that Head.

With the Leave of the Court I ſhall, then, proceed to ſhew how pernicious the ſaid Popery Law have proved, to the Proteſtants, and to the Proteſtant Intereſt of *Ireland.*

When thoſe Laws were firſt enacted, all Sorts of Proteſtants, and all Kinds of Conformiſts, imagined that Fortune was to fall upon them, by Wholeſale; and, that they were inſtantly to thrive and to wallow in Plenty. They thought that Proteſtants and Papiſts were like the two Buckets of a Draw-Well, and that as one deſcended, the other

muſt

muſt mount aloft. Or like the twin Stars of *Caſtor* and *Pollux*, one of whom could not ariſe to its Height and Brightneſs, till the other had fallen and ſunk in Night.

Mark, then with what Juſtice they were puniſhed, in the Iſſue. A general Face of Indolence, Dejection and Poverty ſpread over the Land. All the monied Men, among the Roman Catholics, immediately tranſmitted their Wealth to foreign Countries. The Nation was drained of its Caſh. Trade, Commerce, Markets, and Manufactures failed, in the twofold Want of Encouragement to Induſtry, and of a ſufficient Currency to circulate Buſineſs. Foreign Demands, the Crown-Revenues, and all the uſual Taxes, were yet to be payed, without the uſual Funds or Supplies for the Diſcharge. The Price of Lands fell; while, through the Diſcouragement and Scarcity of Manufactures, the Price of all the Neceſſaries and Comforts of Life roſe; at a Time when there was the leaſt Ability to purchaſe. And Ruin hung over *Ireland*, like a Sky of heavy Clouds,

Clouds, when no one knows or obſerves from what Quarter they come.

The Conformiſts I ſay, my Lords, at firſt imagined that they themſelves, ſhould be benefitted and exalted, in Proportion as the Nonconformiſts were damaged and depreſſed. Independent of this deluſive Hope, They were bleſſed with a Concurrence of temporal Advantages, that no other People, excluſive of *Great-Britain*, could boaſt. They were Members of the freeſt and beſt eſtabliſhed Syſtem of Policy upon Earth. As Conformiſts, they enjoyed the Chief Privileges and Profits of the ſaid beneficent Conſtitution. They were indulged with a long, a profound, and uninterrupted Peace. They were Proprietors of a Country that, with due Cultivation, would have plentifully nouriſhed five-fold the Number of Inhabitants that it contained. The Legiſlature or grand Council, which the Proteſtants now choſe from their own Body, were unwearied in their Studies, Endeavours and Experiments, in a Variety of Laws, and Multiplicity of Appointments, for effecting

the

the Advancement and Opulence of their Conſtituents. Many Patriots, alſo, aroſe throughout the Land, ſolicitous and diligent in the Promotion of Manufactures and Encouragement of Arts, and in tranſplanting and propagating, within the Place of their Nativity, all Branches that were deemed of foreign Uſe. Yet, in Spight of ſuch a Confluence of natural and political Benefits; Trade was obſtinately ſlow. Credit waxed deaf. Buſineſs ſtagnated. The Land yielded not its Encreaſe. Dearths and Famines became frequent. Thouſands periſhed, through Want, in the public Ways or deſolate Fields. A Kind of lazy Numbneſs ſpread through the Inhabitants. No Succedaneums, no outward Applications could take due Effect, while the Diſeaſe was unremoved and continued to prey inward, on the Bowels of *Ireland*. The Nation was yearly, in fear of being bankrupt and beggared; and found itſelf arrived to the Brink of Perdition, without knowing how, why, or whence it came there.

It were an unpardonable Defect of Charity to ſuppoſe that the Legiſlators who pro-

jected or enacted the ſaid Popery Laws, could ſufficiently foreſee, or, in any Meaſure, intend the very deſtructive Conſequences that have ſince enſued. Be it enough that, by reflecting on what hath happened, we are, now, enabled to trace theſe calamitous Conſequences to their natural Cauſe; and that former Errors may be of Uſe in the preſent Caſe, by ſerving as an Admonition for ſpeedy Reformation.

It is, my Lords, a very general and not unnatural Miſtake, that this World is to Man, as it is to the Brute-Creation, among whom, when the Gueſts are few, there is the greater Plenty and Luxuriance of Proviſions. But the Caſes are as wide, as Eaſt and Weſt, aſunder.

In every Foreſt, in every Field, GOD hath ſpread the Carpet and prepared the Repaſt for thoſe whom he hath not inſtructed to prepare it for themſelves. To Man, alone, he gave Reaſon, Invention, and a ſocial Nature. He gave him Weakneſſes and Wants, as a fertile though humble Bed, wherein he ſow-

ed

ed the Seeds of every human Virtue. By thoſe Weakneſſes and Wants, he compels him to aſſociate; and from Society he derives all the conjugal, paternal, and filial Endearments; the Friend, the Neighbour, Citizen, Countryman, Patriot; and all the Charities that unite the great Brotherhood of Man.

GOD ſuffers not any Man, and rarely, any Nation to be ſufficient to itſelf, or of Ability to ſupply its own Occaſions. The wealthieſt, the ſtrongeſt, the wiſeſt Individual, though of Power to extend his Service through his Country, through the World, cannot ſingly provide for his perſonal Subſiſtance. Thus Man who, in himſelf, is the moſt impotent and pitiable of all living Creatures, becomes the moſt powerful and formidable, through Community. From his Weakneſs he gathers Strength, and from his Want he gathers Plenty. For here, and here alone, GOD hath laid the Foundation of all the Wealth and Dominion that ever roſe upon Earth.

From hence, my Lords, it is evident that a petty Aſſociation, of one hundred, one thouſand, or of one hundred thouſand Men, may not be aſwerable to the Defence, or perſonal Accommodation, of any ſingle Member of ſuch a Community. The almoſt infinite Wants, Infirmities, and Diſeaſes, that are incident to human Nature demand as infinite a Proviſion, from the numberleſs Crafts and Branches of Crafts, Myſteries, Manufactures, Occupations, Arts and Sciences, that are exerciſed and cultivated throughout the Earth. For, from theſe, alone, ariſeth the univerſal Wealth of the whole World; whatever is neceſſary, uſeful, commodious, whatever conduces, to the Convenience, Delight, or Hapineſs of Mankind.

Wherefore, my Lords, whatever Legiſlator, or Number of Legiſlators; whatever Law or Ordinance, ſhall prohibit, abridge, diſcourage, or diſcountenance, any Hand, or Number of Hands, ſo worthily employed for the Good of the World, is an Enemy to human Nature; is, more particularly, an Enemy

my to that unhappy Country, wherein the Wretches ſo prohibited or rendered liſtleſs are ſituated; and is, ſtill more particularly, an Enemy to the People with whom ſuch uſeleſs Members are neighboured, or connected.

This laſt Caſe, my Lords, is the Caſe of the Kingdom of *Ireland*, and of the Proteſtants, thus unfortunately circumſtanced therein. They make but one Third of a diſqualified People, with whom they are unavoidably mixed and united.

Theſe People, on one Hand, are on a Level with Proteſtants, and equally enjoy the Support of our Government and Protection of our Laws: But then our Government and our Laws are too generous to require any Benefit, in Return, at the Hands of thoſe People; for they are legally diſcouraged, and legally rejected, from doing any perſonal Service to the State.

Again. Though theſe People are prohibited from employing a Number of Hands,

in their Crafts and Manufactures; as alſo, from depoſiting the Products of their Art or Induſtry in that Country; they are yet permited to occupy, and trade, and traffic throughout the Land; and from Year to Year, and every Year, to gather up and ſpirit away whatever they can glean of the little Wealth of the Nation. And thus they become, to *Ireland*, as a hot Sun and a ſtrong Wind to a ſhallow Lake; they exhale and carry off the vital Moiſture from among us, never more to be returned, in Miſt or in Dew, to ſlake a thirſty Soil. Is it their Fault, my Lords, or our Misfortune, that they are legally rendered a Burden and a Nuiſance to the Country wherein they are born?

My Lords. Gentlemen of the Jury. From the very Beginning of the World, to the very Beginning of the preſent Century; it hath been the capital Study of every Legiſlature, any Way worthy of that Title, to multiply Hands, and to encourage and quicken Induſtry, by all poſſible Contrivances, Motives,

and

and Incitements. For, my Lords, the *Number of People* is accounted the Wealth of a Nation, merely, as they ſupply the greater *Number of Hands*. And the Number of Hands is accounted the Wealth of a Nation, merely, as they ſupply the greater *Quantity of Labour*. And the Quantity of Labour makes the Wealth of a Nation, merely, as it ſupplies thoſe *Products* whoſe Values, univerſally, conſtitute *the Wealth of Mankind*. For, as thoſe *Products* muſt bear a mathematical Proportion to the *Quantity of Labour* employed thereon; ſo the Quantity of ſuch Labour muſt, equally, bear a mathematical Proportion to the *Quantity of Encouragement* that is given thereto.

Can ye tell me, then, who were the *Solons*, of whom that Senate was compounded, which contrived and framed Laws for the Diſcouragement of that Labour, on which the Wealth and Proſperity of their Country depended; and who, by a Liſtleſſneſs and Relaxation of Hands, had made two Thirds of the People of *Ireland*, the Poverty, the

Burden, and the Curſe of the Land, and of that unhappy Community with whom they are connected.

Let us now, my Lords, take a Proſpect of the Situation of Proteſtants in that Country. Let us take it in the natural Occurrence of Objects, and in the Light that Common-Senſe may caſt upon them.

I purpoſely paſs over, in the Way of our View, the Danger that *Iriſh* Proteſtants may be in, or the Jealouſies they may ſtill entertain of a People who are very little intereſted in their Proſperity or Preſervation. Suppoſing that nothing of this required any Matter of Prevention or Remedy; let us behold all the *Iriſh* as Inhabitants of the ſame Country; as Members, of one Community, who ought to be united, in Proſpects, Attachments, Operations, and Purſuits.

But, is that the Light, my Lords, in which you ſee them? Not ſo, not ſo. You behold *Iriſh* Papiſts, as a Body of Men retained within the Bowels of the Public, and yet rejected from

from any perſonal Service thereto, or any real Intereſt, or durable Property, therein. You behold them as an independent and unnatural Fœtus within the Womb of their Mother Country. Or as ſo many internal Parts, of a great Machine, that are *legally* clogged and retarded in their Offices, and, thence, obſtruct or counteract that Movement which is neceſſary to the Intention of the Whole. You behold their Induſtry as a Shell-Snail that, ſlowly, draggs along its unavoidable Incumbrance. You behold their Arts and Inventions as a Flock of tamed Poultry, with Weights at their Legs, to prevent the Uſe of Wings and keep them from ſoaring. You behold them liſtleſs and bound on the Backs of their Proteſtant Brethren, as *Mezentius* bound the Bodies of the Dead to the Living! Is it, then, to be wondered that all the Wiſdom and Patriotiſm, of our ſucceeding Legiſlators, neither have availed, nor can avail, for the Cure of a Malady ſo conſtitutional and inherent, till the Cauſe, from whence the Malady proceeds, is attempted?

My Lords. When Mr. Serjeant asked me, upon the Word of a Man of Integrity, if I thought that *Irish* Catholics were to be depended upon; I answered that I thought they were not to be depended upon. I then spoke, my Lords, from the Jealousy that naturally arises in the Mind of Man, on the most remote Apprehension or Possibility of Danger. And, indeed, I then spoke in direct Contradiction to repeated Trial and Experience, long approved.

About six Generations have now passed away, according to the Rates of Purchase and Estimate of the Life of Man, since these People have offended in Word or in Deed. No Riotings have been heard in their Houses, no Complainings in their Streets; they have been silent and harmless as the Flocks on the Hill of *Croghan*. Our Parties, Factions, and Insurrections, as they are merrily stiled here in *England*, have been all, among *Irish* Protestants; this People were neither Actors nor Partakers therein. They have offered themselves to our Fleets and to our Armies, to tend our Persons, to till our Grounds, to hew

our

our Wood, and to draw our Water. Where we admit them to fight for us, they have ever proved valiant; where we admit them to ſerve us, they are ever found loving, obſervant, and faithful. Temptations have come to their Doors and called them forth; the Contagion of Rebellion hath ſeveral Times broken out among their Neighbours; they have yet remained quiet, and continued untainted; ſtill loyal to their Sovereign, amenable to Government, and ſubmiſſive to Law, through a long and trying Succeſſion of upward of ſeventy Years, they have ſcarce appeared to repine in the Midſt of Calamity.

What, then, do we look for further? What Proofs do we yet require, of Peacefulneſs and Attachment at the Hands of theſe our Brethren? Is no Period to be put to their State of Probation? Muſt they *for ever* keep out upon *Quarantine*, without Harbour or Hopes of Reſt or Reconciliation? Or is it poſſible that *Iriſh* Catholics, who have ſo long and ſo loyally demeaned themſelves as Friends, while conſidered as Enemies; is it poſſible I

ſay

ſay, my Lords, that they ſhould become our Enemies, on account of their being treated by us, and attached to us, and intereſted in us as Friends? A People, my Lords, who, through a Winter of ſeventy Years Continuance, have never failed, or forſaken, or given us Cauſe of Offence, ſurely merit ſome Conſideration, ſome grateful and chearful Ray, to warm them to a Senſe that Proteſtants are not, by Choice, of a cruel, unforgiving, or malevolent Nature.

With what a Strengthening to his Majeſty's Throne and Government! With what an Aſſurance of Safety to *Iriſh* Proteſtants! With what an Encreaſe of Wealth and Proſperity to *Ireland!* With what Eaſe and Honour to our Legiſlature might this be done! It is but *intereſting* this People in the Defence of the State, in the Safety of their Proteſtant Brethren, and in the Culture and Preſervation of the Country wherein their Treaſures will then be depoſited; and, as ſurely as Matter muſt gravitate to its Center, theſe People will adhere to the Intereſts of thoſe,

with

with whom their own ſhall be united, againſt Men and Angels, againſt Pretenders, Popes, or Devils. No Seductions, no Perſuaſions, could then tempt them to permit, and much leſs to aſſiſt, toward the Overthrow of a Conſtitution, wherein their Stake lay, and whoſe Equal they could not hope to find upon Earth.

IT WERE to be wiſhed, I confeſs, that theſe People were reclaimed from their eccleſiaſtical Errors, at leaſt, provided they might not, thereafter, become worſe Men, or worſe Subjects, than they are at preſent; provided they ſhould, thereafter, retain a ſufficient Senſe of any Religion at all.

Two Thirds, of the Inhabitants of *Ireland*, are at this Day Roman Catholics. And yet, my Lords, it is remarkable, that there are fewer Robberies, Thefts, Murders, Maims or Riotings, in that Kingdom, than in any Nation, equally numerous, in *Europe*.

I once intimated to your Lordſhips, that ſpeculative or religious Errors, in certain Caſes might be politically uſeful, with reſpect

ſpect to civil Government. That auricular Confeſſions, Purgatories, Faſts, and Penances, are to the Members of the Church of *Rome*, what Diſcipline is in the military Department; by preſerving Roman Catholics in the familiar Uſe and Practiſe of daily Obedience. That this Habit of Reſpect and Submiſſion to eccleſiaſtical Diſcipline, is, not unnaturally, attended with Reſpect and Submiſſion to the ſecular Powers. And, that the Obedience of theſe People, to the Authority of their Church, is an Earneſt of their Obedience to the Authority of all States under which they live. But, my Lords, this is not all. Nineteen in Twenty, of *Iriſh* Papiſts, though naturally the moſt ſenſible and apprehenſive of all People, are wholly illiterate; and their Prieſts are to them, in the Place of Letters, of Inſtructors, of Parents, of Governors, of their Church, and of their GOD.

Thoſe ſame Prieſts, my Lords, are, alſo, extremely zealous and ſedulous in their Functions. They viſit from Village to Village and Houſe to Houſe. They call in Queſtion the

moſt

moſt ancient and the moſt reſpectable of their Communion. They take hold of the Souls of Infants, as you would of ſprouting Twiggs, and bend them, during their State of Pliancy, to the deſired Direction. They preſerve their Authority, over their People, not only by the Threats of future, but by the Infliction of preſent Puniſhments. And, indeed, we cannot ſay, during theſe ſeventy Years and upward, but that the Influence of this Prieſthood, hath been exerciſed and directed to the Quiet of the Nation, to the Benefit of the Public, to the Obſervance of legal Ordinances, and to the Safety of the State.

Now, my Lords, ſuppoſe that a ſudden Reformation had been, inſtantly made; and not a Popiſh Eccleſiaſtic left in all *Ireland*. — Very well, my Lords. — But then, the Conſequence muſt be, that the Weight of the Souls, of the Morals, and future Conduct, of two Million of our Natives, falls wholly on the Shoulders of our Proteſtant Eccleſiaſtics; who appear ſufficiently engaged by their preſent

ſent Cures, without any further Demand of Time or Toil at their Hands.

This Weight then, my Lords, muſt, at leaſt, treble the Burden of what they now labour under. We will, however, ſuppoſe that the Load is quite lightened by their Piety, and by their Zeal for the Reformation of Sinners. Be it ſo. Yet, it ſtill remains a Doubt with me, whether this ſame Exceſs of Piety and Zeal, in our Proteſtant Clergy, will be Equivalent to their Want of Authority which, in Fact, is Want of Power.

You, my Lords, who know the World, can beſt judge how far Gentlemen, who have been delicately nurtured and politely educated, may conform, againſt Habit, to the Dictates of Charity. You can tell us, with what Pleaſure, the elegant Doctors and Dignatories, of our Church, will trudge about, through the barbarous Inclemency of the Seaſons; entering Cabbins by whoſe Doors the Smoak is evacuated; abiding the Stench of a reeking Atmoſphere; ſitting down, Side by Side, with Beggary and Ignorance; and familiarly

familiarly inſtructing Wretches, whoſe Wardrobe and whoſe Table is eſtimated at nothing beyond Rags and ſome crude Potatoes.

All this, my Lords, would, queſtionleſs, be very kind and meritorious, for the Sake of the Goſpel of CHRIST, and of thoſe his lowly Creatures, whom he hath ordained, however, to Life and Immortality. But, ſtill, it might take ſome Time before Gentlemen, of exalted Erudition and Converſation, could adapt themſelves to the Apprehenſion of the wholly Illiterate. And, in all Events, our Proteſtant Clergy muſt want the *two Handles*, of that *Cardinal Rudder*, by which the Popiſh Prieſthood ſteer their People at Pleaſure; to wit, *Abſolution*, for their open Admittance to Heaven; and Penance, for the Chaſtiſement of their Tranſgreſſions upon Earth.

We Lawyers, my Lords, are apt to imagine that a due Execution, of Statutes and Ordinances, might anſwer all the Ends of civil Government, and keep the World in ſufficient Subjection and Order. But this is widely far from being the Fact. There are

thouſands of Inſtances, in which the Wicked may treſpaſs upon the Rule of Right, and yet keep clear of all civil Ordinances that ever were, or can be enjoined. And, were there no internal and conſcious Senſe, that prompted us to Good, and checked us, in our Propenſity and Courſe to Evil; had we no Regard to GOD, to FUTURITY, to DUTY, *Mankind*, in Spight of Laws, would become the *Kind of Devils*.

If you, my Lord Chief Baron *Intereſt*, and you, my Lord Chief Juſtice *Reaſon*, had any Concerns in *Ireland*, as Mr. Juſtice *Clemency* and I have; I aſk, would ye chuſe that *Iriſh* Papiſts ſhould continue, as they now are, erroneous indeed, but pious and peaceable? Or would ye, rather, wiſh them diveſted of all Religion, and conſequently of all religious Errors and Prejudices, Strangers to the Fear of God, and Enemies to the Peace of Man?

If nothing, however, is wanting but that theſe People ſhould, either piouſly or profeſſedly, conform to the Religion eſtabliſhed by Law in theſe Kingdoms, I will ſhew you,

my

my Lords, the ſhorteſt and ſureſt of all Roads to this deſirable Reſting-Place.

Wherever we conceive a Prejudice againſt the Perſon of any One, we, in Conſequence, conceive a Prejudice againſt his Principles; and Reaſon, itſelf, will not appear reaſonable, from the Mouth of any Man, or Set of Men, whom we look upon as our Enemies.

This, my Lords, is the Caſe of the Catholics of *Ireland*. They look upon us as Enemies, as well to their civil Intereſts as religious Opinions; and this gives them an equal Prejudice to our Perſons and Principles, and mainly helps to continue them obſtinate in Error. Give them Cauſe, then, to think us Friends to their civil Intereſts, and they will no longer be averſe to our religious Opinions; they will liſten, they will like, and, in Time, they will reform.

AND NOW, my Lords, as the Good of Society is the only rational End and Intent of all Laws; where any Laws, on Experience, are found detrimental to that very Society, for whoſe Emolument they were enacted; can

Wiſdom make it a Queſtion, whether they ſhould continue or be repealed?

Were Proteſtants enriched, and ſtrengthened, and exalted, in Proportion, as Papiſts are impoveriſhed, debilitated, and depreſſed. Did we derive any Wealth from their yearly Exportations of the current Caſh of that Kingdom. Did we derive any Safety from their Diſcontent and Diſaffection. Did we gain any Power, by their being divided from us, while they are continued among us. Were our national Products encreaſed by their Want of Motives to Induſtry. Were our Bogs and Waſtes better reclaimed by their Want of Incitement to Labour. Were our Coaſts the better ſecured from foreign Invaſion, becauſe two Parts in Three of the Inhabitants of *Ireland*, are no Way concerned in the Defence thereof. Were our internal Dangers leſſened, by giving ourſelves Cauſe to be jealous of ſuch Numbers. Could we hope to gain their Friendſhip by the public Acts and Expreſſions of our own Diſtruſt. Or, could we expect that their having different

rent Intereſts and Attachments would engage them to wiſh our Welfare or to promote our Proſperity. I would be the firſt Man in *Ireland* to remonſtrate and petition againſt the ſmalleſt Abatement of the Popery Laws.

But, as a ſeventy Years Experience hath proved and continues to prove, that the Reverſe of all ſuch happy Conſequences is, permanently, and palpably, and perniciouſly the Fact. I would humbly propoſe: That, for the better Security of his Majeſty's Crown and Government in the Kingdom of *Ireland*, by intereſting *Iriſh* Catholics in the Guardianſhip thereof; for ſtopping the perpetual Drain of the Specie or political Blood of that Nation; for deriving Strength to *Iriſh* Proteſtants from the good Will and Aſſiſtance of *Iriſh* Papiſts, with whom they are unavoidably though diſcontentedly aſſociated; for acquiring immediate and inconceivable Opulence to the State from the animated Induſtry of two Thirds of the People; for doubling the yearly and natural Value of *Ireland*, by giving Papiſts an Intereſt in the reclaiming of our

Lands;

Lands; for giving them Cauſe to oppoſe our common Enemies by giving them a common Stake to retain and defend; for giving them Cauſe to contribute to our Proſperity by admitting them to a legal Participation thereof; it is humbly propoſed, I ſay, that our Patriot Legiſlature, ſo ſtudious in other Reſpects for the Advancement of their Country, ſhould make ſuch an Abatement or Alteration, of the ſaid diſabling Laws, as, to their ſuperior Wiſdom and Diſcernment ſhall appear requiſite, for leſſening the many Evils that are thereby created; and for reſtoring the many Benefits that are thereby ſuppreſſed. —

— — — —

I had carried my Notes thus far, when I was called away on a very intereſting Affair, and cannot ſay, whether the Jury brought in a formal Verdict, or left Matters to the better Judgment of our Legiſlature.

FINIS.

BOOKS, lately publiſhed, and may be had of DILLON CHAMBERLAINE, in Smock-Alley.

THE INTERESTS of *Ireland* conſidered, ſtated, and recommended, particularly with Reſpect to the INLAND NAVIGATION. Price 5 s. 5 d.

The Conſtitutional RIGHTS and Intereſts of the Kingdom of *Ireland*. In five Letters to the People. Price 1s. 1d.

A PROPOSAL for the Reſtoration of public Wealth and Credit, by Means of a LOAN from the *Roman Catholics* of this Kingdom, in Conſideration of enlarging their Privileges, *&c.* In a Letter to a truly Honourable Member of the Houſe of Commons. Price 3d.

N. B. The above were wrote by Mr. *Brooke.*

The DANGER of POPERY to the preſent Government, examined. To which are annexed, QUERIES, relative to the ſame Subject, by Dr. *Berkley*, Biſhop of *Cloyne*. Price a *Britiſh* Sixpence.

A VINDICATION of the Political Principles of *Roman Catholics*. Addreſſed to his Grace the Lord Primate of All *Ireland*. By *C. O'C———r*, Eſq. Author of the Conſtitutional Queries, *&c.* Price 3d.

The *Iriſh* Acts of the late King *James* II. conceived and paſſed in that ſhort Seſſion of Parliament held in *Dublin*, May the 7th, in the Year 1689. To which is prefixed, The Speech of the late King *James* II. at the Opening

Opening of the ſaid Seſſion. The Whole taken from an authentic Manuſcript, and publiſhed for the Entertainment of the Curious. The Fourth Edition. Price 6d. Halfp.

The Eſſays of *Michael*, Seigneur *de Montaigne*. Tranſlated into *Engliſh*. The Eighth Edition. With very conſiderable Amendments and Improvements, from the moſt accurate and elegant *French* Edition of *Peter Coſte*. In Four Volumes. Price ſewed 9s. 9d. bound 12s.

MEMOIRS of Madam *de Granſon:* or, Virtue Invincible. An Hiſtorical Novel. Interſperſed with Anecdotes of Perſons of the firſt Quality, *Engliſh* and *French*; and a lively and intereſting Account of the Siege of CALAIS, by *Edward* of *England*. Tranſlated from the *French* of the celebrated *Crebillon* the Elder. Price ſewed 1s. 7d. Halfp. bound 2s. 2d.

The ADVENTURES of a TURK, containing a great Variety of Novel and Uncommon Incidents, during his Travels thro' *Perſia* and *France*, a particular Account of the extraordinary Manners and Cuſtoms of the JATABISTS, and the Intrigues and Amours of ſome of the principal Ladies of Quality in *France*. To which is annexed, LETTERS to and from a *Turkiſh* Baſhaw, a beautiful *French* Slave, and ſeveral other Perſonages. The whole interſperſed with Reflections on Honour, Gaming, Love and Gallantry. Price ſewed, 1s. 7d. Half. bound 2s. 2d.

AHIMAN REZON: or, A Help to a Brother. To which is added, a large Collection of Maſons Songs, Epilogues, &c. Pr. 2s. 1d.

Farrell